DOCUMENT RESUME

ED 250 595 CG 017 794

AUTHOR	McFadden, John, Ed.; Brooks, David K., Jr., Ed.
TITLE	Counselor Licensure Action Packet. Revised Edition.
INSTITUTION	American Association for Counseling and Development, Alexandria, VA.
PUB DATE	83
NOTE	131p.
AVAILABLE FROM	American Association for Counseling and Development, Publication Sales, 5999 Stevenson Ave., Alexandra, VA 22304 (order number 72129 $7.50 members; $10.00 non-members).
PUB TYPE	Guides - Non-Classroom Use (055) -- Viewpoints (120)
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	*Certification; *Counselors; Guidelines; Lobbying; *Policy Formation; Political Issues; Resources; *State Legislation

ABSTRACT

This booklet on counselor licensure is intended for professional counselors who may be interested in working toward the passage of counselor licensure legislation. Following a brief introduction to the topic of counselor licensure, a list of resource persons is given. A history of licensure and related credentialing activities is provided, followed by legislative guidelines for the passage of counselor licensure laws. Tips for working with legislators, and a series of articles on power, love, money, and politics are included. A discussion of legislative testimony and an example of the legislative process are presented. Suggested legislative language for counselor licensure laws and an example for a professional disclosure statement are given along with selected references. The appendices present licensure laws from Texas, Florida, Idaho, and North Carolina, as well as a position paper on licensure in the helping professions adapted by the board of directors of the American Association for Counseling and Development. (BL)

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COUNSELOR LICENSURE ACTION PACKET

Revised Edition

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DEDICATION

This edition of the Counselor Licensure Action Packet
is dedicated to the memory of

HAROLD F. COTTINGHAM, Ed.D.
1912 - 1981

Professor Emeritus, Florida State University
Diplomate, American Board of Professional Psychology
President, National Vocational Guidance Association, 1962-63
President, American Personnel and Guidance Association, 1964-65
Chairperson, APGA Licensure Commission, 1976-77

"I believe that my role as a facilitator of growth in counselor trainees must be one that permits equal emphasis on the development of skills, knowledge, and personal development. My approach to this is to model openness, use professional behaviors, and stress the mutuality of the learning task, building on the intrinsic motivation of the learner. I also attempt to exemplify helping skills, academic knowledge, and a willingness to grow personally myself... In this process, I hold myself highly accountable both for content and process. I firmly believe in the potency of feeling both in instruction and in helping; I want to use them to enhance the learner's growth wherever possible. In essence I want to respond to student concerns, model helping skills, attend to affect, and constantly reassess my attempts to follow these principles. Students, clients, and community service consumers are invaluable collaborators in this process. These are my responsibilities, my challenges, and indeed my professional obligations."

The School Counselor, 1979, 26, 221.

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The American Personnel and Guidance Association (APGA) officially changed its name to the American Association for Counseling and Development (AACD) in June, 1983. The majority of the text of this manual was prepared for printing prior to the date of the name change. APGA is therefore used as the name of the organization throughout the manual. Additional copies of this manual may be ordered from AACD Publication Sales, 5999 Stevenson Avenue, Alexandria, VA 22304. Price: $7.50, members; $10.00, non-members. Order Number 72129.

ACKNOWLEDGEMENTS

This edition of the Counselor Licensure Action Packet is the result of the labors of many persons. First published during the late Harold Cottingham's tenure as chairperson, the subsequent three editions were primarily the work of Dick Warner, who chaired the committee, 1977-80. It has now been three years since the Action Packet was last issued. The value of the 1980 edition is attested by its widespread use, a tribute to Dick's leadership and editorial skills. In my three years as chair, committee members have devoted much time, thought, and patience to this revision. The first task was to revise the Suggested Legislative Language, followed by consideration of the most useful materials to include. In the meantime the committee was publishing numerous other materials, primarily informational brochures designed to serve as an adjunct to the Action Packet. For their contributions to all of these endeavors, I would like to thank the following committee members, past and present: Mel Witmer, Betty Hedgeman, Enid Davis, Larry Gerstein, Nancy Hardy, Arleen Lewis, Don C. Locke, Pete Palmo, and especially our co-editor, John McFadden. His gentle encouragement and boundless patience, not to mention his editorial gifts, have greatly assisted in bringing this edition out of our deliberations and into your hands. Thanks are also in order to Tom Sweeney, first chairperson of the committee and later APGA President, who sounded the call that got the licensure movement rolling; Carl Swanson, second committee chair, whose legal skills helped us to define what we were talking about and whose lobbying efforts set the example in Virginia for all to follow; Louise Forsyth, who first got me involved in a leadership role when she was ASCA President; and Pat Partin, with whom I have shared so much since we both became committed to the cause. Most of all, my thanks go to my wife, Bette, without whose love and support my involvement in the counselor licensure movement since 1977 simply would not have been possible.

David K. Brooks, Jr., Chair
APGA Licensure Committee, 1980-1983

INTRODUCTION

If you try to stay informed about professional issues, chances are that you are somewhat familiar with counselor licensure. If you read Guidepost and your professional journals regularly, you've probably seen a dozen or so articles over the past six or seven years which deal with APGA's efforts to achieve the passage of counselor licensure legislation. Perhaps you are aware of activities in your own state aimed at getting a similar law passed. But, if you're like the majority of APGA members, you have not gotten personally involved in the movement to achieve counselor licensure. In this edition of the Action Packet, the APGA Licensure Committee seeks to present you with a substantial amount of licensure information in the hope that you will decide that licensure is important to you as a professional counselor. We further hope you'll choose to become active in your State Branch's licensure efforts.

On the other hand, you may have been involved with counselor licensure for a long time, as a member of a State Branch committee, as a State Branch official, or as a Government Liaison Worker. While you will find much in these pages familiar to you, we hope that you will also discover some new perspectives. It was the committee's intention, in deciding on material for inclusion in this edition, that the Action Packet's contents not duplicate professional information that is readily available elsewhere. For this reason, the Virginia, Arkansas, and Alabama licensure laws are not included here since they, along with a wealth of background material from the 1970s, may be found in Counselor Licensure: Issues and Perspectives (Warner, Brooks, & Thompson (Eds.), 1980, APGA Press). Purchase of this book of readings is highly recommended for all those involved in the licensure movement.

The Action Packet is action-oriented. If you're a neophyte, these materials should provide you with sufficient information to motivate you to get involved. If you're a veteran, your present level of activity should become even more of an enlightened commitment because you are better informed. We begin by presenting some basic background information (see the detailed historical chronology later in the manual).

APGA hasn't always been concerned with counselor licensure. Founded in 1952 when four counseling organizations merged, APGA was originally composed of counselors working primarily in educational and vocational institutions. The impact of the National Defense Education Act of 1958 resulted in the expansion of counselor education programs and in a dramatic increase in the number of counselors working in public schools. The ambitious social programs of the 1960s led to the creation of counseling positions in a variety of new agency settings. By the early 1970s, counselors were providing services in mental health, rehabilitation, employment, corrections, and other public and private agencies, as well as in the more "traditional" settings of elementary and secondary schools and higher education.

This dramatic growth in the number of practicing counselors and the proliferation of settings in which we work led to professional concern about the quality of graduate preparation and to diligent efforts to define our professional identity. Work which began in the 1960s on a set of professional standards finally resulted in the adoption in 1973 of Standards for the Preparation of Counselors and Other Personnel Services by the Association for Counselor Education and Supervision (ACES). For the first time, counselor education programs had a "yardstick" by which to measure the graduate training which they were providing. But other developments were afoot which made this first step toward professionalization seem almost an intellectual exercise rather than the major milestone it was.

We counselors were being denied the right to practice our profession! Prior to the 1970s, most graduates of counselor education programs were employed in the public schools. In these settings, state teacher certification regulations specified the criteria to be met in order to be employed as a school counselor. As the last decade progressed, however, more and more professionally trained counselors sought employment in public and private agencies. We were competing for these positions with members of other professions, primarily psychologists and social workers, who were either licensed by professional boards or listed in state personnel classification systems or both. Increasingly during the 1970s, we were being denied access to jobs for which we had the skills but for which we lacked the credentials. There was no legal definition of professional counseling in any state prior to 1976. As a result, many highly skilled counselors had to endure second-class professional status.

We were also being sued for practicing psychology without a license. In numerous instances during the 1970s, counselors with doctoral training were sued by state psychology licensing boards for illegal practice. These persons were not holding themselves out as psychologists, but, because they were doing individual assessments or providing psychotherapy, they were held to be in violation of the law. Most of the cases which went to trial resulted in dismissal of the charges, but this type of harrassment was unjust and damaging to the reputations of many highly skilled individuals. In the face of legal liability and, increasingly, job discrimination, the APGA Board of Directors in 1975 appointed a Special Commission on Counselor Licensure to study licensure-related issues and to provide assistance to State Branches in their efforts to achieve a legal remedy to situations faced by many of their members.

In carrying out its charge since 1975, the APGA Licensure Committee (as it has been known since 1977) has taken a proactive position on counselor licensure. While not denying the realities of legal harrassment and unjust discrimination, the Committee has advocated counselor licensure as a goal desirable by itself. If counseling is a profession, as we believe it is, then we should seek, through our professional organizations, to become legally regulated and legally defined through licensure -- not just because we perceive our "turf" to be shrinking, but because professional regulation is the ethically responsible course to pursue. As long as anyone can claim to be a counselor, our professional identity in the public mind will be cloudy and our credibility will be occasionally tarnished by charlatans purporting to possess our skills. Counselor licensure will give our Standards the force of law and will provide assurance to the public that persons using the title *LICENSED PROFESSIONAL COUNSELOR* have met the necessary education and experience requirements and are accountable to a legally established agency of state government for their actions.

Progress was slow initially but there are increasing indications that the licensure movement within APGA is gaining momentum. Virginia was the first state to gain passage of a counselor licensure law in 1976, followed by Arkansas and Alabama in 1979, Texas and Florida in

1981, and Idaho in 1982. These six states accomplished their goals only after several years of effort, much trial-and-error learning, and frequent disappointments. But they proved something that most of us don't realize--*COUNSELORS ARE NATURAL POLITICIANS!* We have to learn the rules of the legislative process, and that learning experience can be painful, but the skills we possess by virtue of our training and experience, i.e., human relations skills, are the necessary ingredients for political success. In 1983, 23 State Branches will be introducing counselor licensure bills in their respective legislatures. But let's focus on the basics -- why should you become involved? What difference will counselor licensure make to you?

If your state passes a licensure law, the profession of counseling would be legally defined. This would mean that our right to practice our profession, to do the things we are trained to do, would be legally protected. It would further mean that untrained or unscrupulous practitioners would be prohibited from calling themselves counselors. A licensing board would probably be established by the law to execute the regulatory activities or the regulatory authority would be vested in an existing agency of state government. In either case, professional standards for preparation and for ethical practice would have the force of law. A licensure law would protect the public's right to be served by qualified counselors, and public access to the preventive, developmental services provided by professional counselors would be increased. The law could also establish privileged communication between counselor and client. Licensure will enhance the professional identity, credibility, and autonomy of counselors. Licensure is the vehicle that will enable us to assume our rightful place as a recognized group within the helping professions. While licensure is intended primarily to regulate the private practice of counseling, there are benefits for counselors working in public agencies as well.

If you are a mental health counselor or practice in a similar type of public setting, your skills would be legally recognized by the licensure statute. The chances would be increased that counselors could be listed in the state personnel classification system. You would no longer have to contend with a non-descript job title such as "Mental Health Associate II." Licensure professional counselors in Virginia and Alabama have recently become eligible for third-party reimbursement on a limited basis.

If you are a school counselor, you would be specifically exempted from the requirement that you be licensed, so long as you limit your professional activities to your job setting. Whether you choose to become licensed or not, you would benefit from the increased credibility and respect which a legal definition provides. Licensure would enhance the quality of your referral sources and would provide you with a wider range of continuing education opportuntiies. A licensure law would also have a positive effect on certification requirements. Licensure would also provide school counselors with a stronger hand in determining job descriptions.

If you are a counselor educator, licensure will enable you to upgrade your graduate training program. The licensing board will set training requirements in line with professional standards originally adopted by ACES. Since most programs do not currently meet these standards, deans and fiscal officers will be faced with a new reality in allocating resources so that graduates will be able to meet licensure requirements. The board's continuing education regulations will also provide opportunities for developing systematic advanced training on a non-degree basis.

For all counselors, licensure is a major developmental step for our profession. We have made significant strides in a comparatively short time. We have arrived at the point where the legal recognition and protection provided by licensure are a practical and ethical necessity. Your support and involvement are needed if licensure is to become a reality in your state. The materials in the pages that follow should provide you with most of the information you need to become an effective advocate for counselor licensure.

John McFadden
University of South Carolina
Co-Editor, June 1983

David K. Brooks, Jr.
University of Georgia
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LICENSURE RESOURCE PERSONS

One of the persistent problems in state-level licensure activity is the sense of isolation. It is easy to feel that you and your committee colleagues are waging a very lonely battle. Further, when problems arise that you have not anticipated, it's often difficult to know where to turn for answers. The persons listed below have all "been there." They have either been leaders in successful counselor licensure efforts at the state level or served on national licensure committees or both. They will be happy to respond to your questions and concerns.

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A BRIEF HISTORY OF COUNSELOR LICENSURE AND RELATED CREDENTIALING ACTIVITIES

David K. Brooks, Jr.

The current concern with counselor licensure and related credentialing issues (accreditation, certification, registry, etc.) is the result of forces both internal and external to the profession of counseling. The internal influences center on concerns such as professional identity, role and function, preparation and standards, and self-regulation of the profession. APGA and division journals have carried articles dealing with these issues for more than 25 years. Questions such as Who are we? What is it that we should be doing? How do we know that we can do what we say we do? What makes us different from other "helping" professions? How should we police our own ranks? have been posed again and again, with no satisfactory professional consensus as to the answers.

Concurrent with this internal debate, external forces related to conflicts with state psychology boards, eligibility for third-party insurance reimbursements, job discrimination and job security, and rendering of "services psychological in nature" materialized in the 1970s. Prior to the last decade, counselors trained at the doctoral level rarely had difficulty becoming licensed as psychologists. During the early '70s, however, more and more state psychology boards refused to accept the doctorate in counseling as meeting educational requirements for licensure. Insurance carriers likewise refused to consider unlicensed persons as providers eligible for reimbursement.

Prior to 1970 the practice of counseling, for those with master's and doctoral degrees, was usually limited to schools, colleges, and public agencies whose mission was vocational rehabilitation and job placement. Economic recessions, a declining birthrate, changes in government priorities, and expanding demand dramatically changed the delivery of counseling services. During the last half of the decade more than half of all counselor education graduates sought employment outside school settings, in mental health centers and other public and private service agencies. School counselor certification was no longer an all-purpose credential. The lack of credentialing in the emerging settings put counselors in a disadvantaged position as compared with psychologists and social workers when competing for the same jobs.

What follows is a chronology of the major events of the past dozen years, beginning with a losing court case in 1972 and ending with the prospect of counselor licensure bills being introduced in 23 state legislatures in 1983.

1972-	*Weldon v. Board of Psychologist Examiners*: A Virginia court recognized counseling as a profession separate from psychology, but stated that because counseling used the tools of psychology and there was no statutory regulation of the profession of counseling, the plaintiff, John I. Weldon, was enjoined from practicing as a counselor.
April 2, 1973-	The Commission on Rehabilitation Counselor Certification held its first meeting in Chicago. The Commission was the result of nearly a decade of work by representatives of the National Rehabilitation Counseling Association (NRCA) and the American Rehabilitation Counseling Association (ARCA, a division of APGA). Over the next four years, the Commission developed a certification of rehabilitation counselors on a national basis.
October, 1973-	The Association for Counselor Education and Supervision (ACES), by membership vote, adopted *Standards for the Preparation of Counselors and Other Personnel Services Specialists*, a consensus statement of the essential components of counselor training and preparation at the entry, or master's degree level.
October, 1973-	Southern Association for Counselor Education and Supervision (SACES) adopted a position in support of counselor licensure efforts and established a licensure committee.

May, 1974- "Licensure in the Helping Professions: Anatomy of an Issue" (Sweeney & Sturdevant) appeared in the Personnel & Guidance Journal, the first of numerous articles dealing with counselor credentialing to appear in APGA and division journals during the next decade.

July, 1974- APGA Board of Directors adopted a position paper, "Licensure in the Helping Professions," which called for licensure legislative efforts in every state. The Board established the APGA Special Commission on Counselor Licensure, with the following objectives:

(1) To formulate and disseminate model legislation on licensure for counselors.
(2) To establish procedures for state and regional leadership workshops on licensure.
(3) To help initiate and maintain liaison and dialogue with associations in the counseling related professions (e.g., psychology, psychiatry, social work, marriage and family).
(4) To testify on federal legislation having implications for professionals trained in counselor education programs.
(5) To identify for the membership nonlegislative activities having implications for the counseling profession (e.g., importance of liaison with related state professional groups in psychology and social work and with mental health insurance companies, when appropriate).
(6) To consider other alternatives or avenues to earning recognition for counseling as a profession (e.g., academy of diplomates and/or national registry of persons qualified to offer specialized counseling services to the public for a fee).
(7) To encourage cooperative efforts between the various divisions, state branches, affiliates, and subgroups of APGA in the area of licensure.
(8) To encourage research and innovations on traditional methods of licensure including possible use of more performance-based criteria and unified administrative boards for all counseling-related professions.
(9) To identify test cases where evidence of discrimination against qualified members takes place by boards of related professions.

March, 1975- APGA Senate affirmed the Board of Directors' July, 1974, action and approved the personnel of the Special Commission on Counselor Licensure. Thomas J. Sweeney of Ohio University was appointed first chairperson.

August, 1975- State of Ohio v. Culbreth B. Cook: The defendant, an APGA member, was arrested and sued by the Ohio State Board of Psychology for practicing psychology without a license. Cook did not represent himself as a psychologist, but as a private consultant dealing with mental assessment of children in academic difficulty. In a directed verdict, the court found Cook not guilty.

January, 1976-	APGA Licensure Commission, now chaired by Carl D. Swanson of James Madison University (VA), issued a draft of a model state counselor licensure law. A doctoral degree in counseling was recommended as the educational requirement for licensure.
April, 1976-	Governor Mills Godwin of Virginia signed into law the first state counselor licensure statute. The law passed after prolonged educational and lobbying efforts by the Virginia Personnel and Guidance Association. The effort began as a direct result of the Weldon case of 1972.
January, 1977-	APGA Licensure Commission, now chaired by Harold F. Cottingham of Florida State University, adopted the contents of the APGA Licensure Commission Packet. Included in the packet was revised legislative language that set the master's degree with appropriate supervised experience, rather than the doctorate, as the minimum recommended academic standard for counselor licensure.
January-March, 1977-	The ACES Licensure Commission, chaired by Richard W. Warner, conducted a nationwide survey of ACES members to determine attitudes toward a proposed national registry for professional counselors. Data from the survey, presented at the Dallas APGA Convention in March, 1977, indicated a strong support for such a registry.
March, 1977-	The Delegate Assembly of the American School Counselor Association (ASCA) adopted a resolution setting licensure as a priority to which extensive time, effort, personnel, and finances should be commited.
May, 1977-	In line with Delegate Assembly action, eight ASCA Regional Licensure Consultants were trained at a special workshop in Madison, WI. Plans were made to coordinate educational efforts with the APGA Licensure Committee.
June, 1977-	A special feature on licensure and certification, edited by Jerald R. Forster of the University of Washington, was published in the Personnel & Guidance Journal.
July, 1977-	APGA Board of Directors approved appointment of a special committee to study credentialing issues. Past President Bruce Shertzer of Purdue University was appointed to head the committee.
July, 1977-	ACES adopted, again by membership vote, Guidelines for Doctoral Preparation in Counselor Education, which set forth criteria for advanced training in counselor education.
September-November, 1977-	APGA Licensure Committee, now chaired by Richard W. Warner, Jr., of Auburn University, in conjunction with the ASCA Licensure Consultants, conducted licensure workshops in the four regional branch assembly sessions held during this time. A nationwide licensure network, made up of licensure representatives from every state, was also set up.

November, 1977-	Shertzer Committee completed its report, which was adopted by the APGA Board of Directors at its December meeting. The report called for establishment of a Standing Committee on Professional Preparation and Standards to "review, recommend, and monitor actions and activities" associated with the *Standards* first adopted by ACES in 1973. The report called for continued high priority support for counselor licensure and recommended that APGA involve itself in the accreditation of counselor education programs and pursue development of a national registry for professional counselors.
March, 1978-	APGA Licensure Committee issued a revised *Action Packet*. It was announced at the Washington APGA Convention that 42 states had functioning licensure committees and that counselor licensure bills had been introduced in 10 states. Virginia remained the only state with a licensure law enacted.
June, 1978-	*Personnel & Guidance Journal* published a second special feature on licensure and related credentialing issues.
July, 1978-	APGA Board of Directors approved personnel and plans of action for Preparation and Standards, Licensure, and Registry Committees. ACES was directed to proceed with preparations for counselor education program accreditation.
October- November, 1978-	ACES conducted five regional training sessions to prepare individuals to serve as members of program accreditation site visitation teams. Licensure workshops were conducted by members of the APGA and ASCA Licensure Committees in three of the four APGA Regions.
February, 1979-	The first administration of a national examination to prospective certificands of the National Academy of Certified Clinical Mental Health Counselors occurred. This body was established through the efforts of the American Mental Health Counselors Association (AMHCA), APGA's newest division, to certify counselors in community mental health agencies, other agency settings, and private practice. Academy procedures were designed to meet the standards of the National Commission of Health Certifying Agencies.
March, 1979-	Governor Bill Clinton of Arkansas signed the second counselor licensure law in the nation.
April, 1979-	Continued high level of state licensure activity was reported at the Las Vegas APGA Convention. Counselor licensure laws were introduced in 18 states in 1979.
July 1, 1979-	National Academy of Certified Clinical Mental Health Counselors officially established. Although more than 1800 inquiries had been received about the certification process in the previous five months, the Academy certified fewer than 400 persons during the next three years.

July 26, 1979-	Governor Fob James of Alabama signed a counselor licensure law, making Alabama the third state to achieve passage of such legislation.
March, 1980-	APGA Licensure Committee sponsored an all-day training session for State Licensure Representatives at the Atlanta APGA Convention. Seventeen stated reported that they will introduce licensure bills in 1980. Five states designated as "Target States" by the committee received special consulting and technical assistance from committee members during the winter and spring of 1980.
October, 1980-	The APGA Licensure Committee, now chaired by David K. Brooks, Jr., of the University of Georgia, met in Baltimore with a representative of the American Psychological Association (APA), and reached informal agreements for cooperation between APGA and APA at the national level for dealing with state-level licensure conflicts.
January, 1981-	The APGA Registry Committee, chaired by Lloyd A. Stone of Emporia State University (KS), conducted a national survey of APGA members to determine interest in a national registry of professional counselors. The survey results overwhelmingly supported such an idea.
April, 1981-	It was announced at the St. Louis APGA Convention that 21 stated planned to introduce counselor licensure bills in 1981.
June 17, 1981-	Governor William Clements of Texas signed the fourth counselor licensure law, climaxing more than six years of effort by members of the Texas Personnel and Guidance Association.
July 2, 1981-	Governor Bob Graham of Florida signed the fifth state law granting licensed status to counselors. The Florida law was unique in that regulatory authority was vested in the state's Department of Professional Regulation rather than in a licensing board and that "mental health counselor" rather than "professional counselor" was specified as the title of the credential.
September 16-18, 1981-	The Council for Accreditation of Counseling and Related Educational Programs (CACREP) held its first meeting. A separate, free-standing, legally incorporated body, CACREP was established to accredit counselor education programs. The Council was the result of several years' effort by ACES and APGA leaders to put in place an effective accreditation body.
March 17-20, 1982-	It was announced at the Detroit APGA Convention that 19 states planned to introduce counselor licensure laws in 1982.
March 24, 1982-	Governor John Evans of Idaho signed the sixth counselor licensure law, the first to be passed outside the South.

April, 1982	The National Board of Certified Counselors, an APGA-initiated certification and registry procedure, held its first meeting. Chaired by Lloyd A. Stone, the NBCC agreed on a timetable for setting the process in motion. NBCC was the result of several years' work by the APGA Registry Committee under Stone's leadership.
December 1982-	NBCC announced that nearly 3000 counselors had submitted approved applications to become National Certified Counselors. Over 2200 of these would take the first NBCC examination in January, 1983, with the remainder to be certified through reciprocity agreements with NACCMHC, CRCC, and several state licensure boards.
January, 1983-	The APGA Licensure Committee announced that 23 states would introduce counselor licensure bills in 1983 legislative sessions.
July 13, 1983-	The North Carolina General Assembly passed the nation's first counselor registration law, bringing the number of states providing for some type of statutory credentialing for counselors to seven. The new law had all of the features of a licensure law except that the registration process is voluntary. For differences between registration, certification, and licensure laws, see the Suggested Legislative Language later in this mannual.

(NOTE: Portions of this section were taken from the introduction to ***Counselor Licensure: Issues and Perspectives****, edited by Richard W. Warner, Jr., David K. Brooks, Jr., and Jean A. Thompson. Falls Church, VA: APGA Press, 1980). DKB*

LEGISLATIVE GUIDELINES FOR THE PASSAGE OF COUNSELOR LICENSURE LAWS

J. Melvin Witmer
Ohio University

The following guidelines assume the involvement of a state counselors' association committed to the importance of political activism. They provide:

1. an identification of the necessary competencies and tasks for the process;
2. a chronology of steps and events in the process;
3. a checklist for planning, monitoring and evaluating the process;
4. two components of the process: (a) initiating legislation and (b) influencing legislation introduced by others or undergoing revision.

PHASE I: PLANNING

This phase of the process can be carried out by a small committee made up of cooperative, credible and well-respected members of the state counselors' association. Political expertise and sophistication are desirable; therefore, State Licensure Representatives, Government Liaison Workers, and counselors who have previous experience in the political arena are valuable committee members. It is advantageous to secure a two or three year commitment from each committee member and to plan for overlapping terms.

Planning Within the Association*

____ 1. Empower the committee to (a) coordinate all political activities with the state legislature, counselor organizations, coalition groups, professional lobbyists, and opposition groups or individuals; (b) to make policy and strategy decisions with the cooperation of the state organization.
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____ 2. Appoint a fund raiser to direct the financial campaign, to solicit contributions, to plan fund-raising activities, to contact the Internal Revenue Service and an attorney for clarification of tax status. It may be necessary to incorporate as a non-profit organization to legally lobby.
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____ 3. Project a budget which includes expenses for telephone, postage, travel, printing, dining with legislators, fees for a professional lobbyist if that is necessary, and salaries for staff.
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* Use the three lines in front of each item to indicate: Yes/No (as to whether it needs to be done); appropriate date; and person(s) responsible.

____4. Identify the tasks to be accomplished.

Initiating:

Draft a bill. The APGA Licensure Committee has drafted the Suggested Legislative Language for Counselor Licensure Laws, included later in this manual.

Influencing:

Have committee members living in the state capital monitor all legislation. Often a cooperative legislative aide or secretary can provide some help in this task. In most states there will be a legislative review publication by some group of human or social services organizations.

____5. When the legislative task or focus of influence has been determined, prepare literature for the membership. State the problem or issue, its impact on counselors, your rationale for the solution. Information bulletins, flyers, and newsletter articles are effective. The purpose is to assure visibility and to stimulate interest, so make literature eye-catching, brief, and clear.

____6. Plan membership education. Project a calendar for workshops, conferences, local or divisional board and committee meetings. Be prepared to deal with internal conflict and opposition.

Initiating:

Committee members must be willing to "go on the road" to sell the bill to the membership.

Influencing:

Keep the membership informed of the impact of current legislation on them personally. Solicit legal and regulatory concerns from the grassroots members to keep your focus current and relevant.

____7. Develop a communication network so that every legislative district has at least one informed counselor who can make contact with other counselors in the district and with the district legislator. Some state counselors' organizations are reorganizing according to legislative districts to facilitate the process. Save money and effort by coordinating phone trees according to area codes and large metropolitan centers. Require a feedback system so that the committee is apprised of the response of legislators to lobbying efforts.

Planning Beyond the Association

____8. Know where the power lies and use it to your advantage. Identify key legislators and enlist their support for the goals and objectives of counseling.

Initiating:

Find a sponsor for the bill who will give it top priority. Having co-sponsors from both parties strengthens a bill and increases chances of passing (if your state has a viable two-party system).

Influencing:

Work actively for the election of legislators supportive of counseling. Be prepared to invest time, money, and energy of your own. Avoid contacting legislators only when you have a "pet project." Rather, maintain contact consistently.

____9. Form a coalition with other groups having similar goals.
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____10. Secure the support of consumer groups.
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____11. Consider hiring a lobbyist and/or hiring professional staff.
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____12. Secure letters of support for your position from persons outside the counseling profession, particularly persons who are well-respected and well-known by legislators.
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____13. Be visible.
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____

Initiating:

Consider inviting the mass media to a state house press conference and releasing news articles to both large city and small town newspapers and television stations.

Influencing:

Write letters to the editors, speak to non-counseling civic and educational groups about your concerns. Invite legislators to speak to your association meetings.

____14. Know your opposition.
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____

Initiating:

Maintain contact with groups you expect to actively oppose your bill and attempt to resolve objections. This must be an on-going process, as objections continue to surface as the bill progresses through the legislature.

Influencing:

Make your concerns known to the proponents of bills which you oppose. Work cooperatively with them to effect desired changes before bills come up for a vote. Changes are most readily made in sub-committee sessions.

PHASE II: ACTION

In this phase the entire membership must be involved. The communication network should be in place and workable, capable of responding on 24-hour notification by the committee. Careful monitoring of the legislation is essential, preferably by someone living in the state capital.

Working with a Committee in the Legislature

____15. Make your initial contacts count.

____

____ Initiating:

(a) Use your influence and that of your bill sponsor to have the bill assigned to a committee which is supportive of your position. This may involve contacting the Speaker, the Majority Leader, and other key members of the legislature.

(b) Make contacts with all legislators who are in a position to move the bill through the committee or influence its priority as well as those who have a special interest in counselor-related legislation.

(c) Prepare information briefs for legislators such as (1) a one or two page summary of the bill citing its major provisions or (2) a legislative brief stating the problems, how the bill will solve them and who is supporting the bill. Be sure to mention the bill by number.

(d) Have counselor-constituents make an initial contact with legislators in their home district; be brief and hand out an information sheet. Follow up with a letter thanking them for meeting with you.

(e) Make an initial contact with the governor's office. This is best done by determining which of his aides or associates is most favorable toward the type of legislation which you are proposing and securing an entree through that person.

Influencing:

(f) Make your concerns known to the bill sponsors and committee members hearing the bill. Speak both as a consumer and as a professional. Offer to answer questions which legislators often raise about the bill.

Securing a Favorable Committee Vote

____16. Work closely with the committee hearing the bill. Make yourself known to committee aides as a person who can help search out necessary data and information. Have groups of constituents visit committee members personally, register your views through telephone calls and letters to indicate the importance you give to the legislation. It is essential that contacts be made as soon as the bill is assigned to committee, again at the time the bill is being heard, and especially during the week in which a vote is to be taken. Timing is essential.

____17. When preparing testimony for the committee, consider these matters (an excellent brief testimony guide is also available from the APGA Government Relations Committee):

(a) Identify the problem, the need for or reasons against the legislation, how your position will deal with the problem (here underscore the major provisions of the bill), who will be affected by it, who supports or opposes it.

(b) Line up a team of counselors who are the most capable of speaking to the issues. The most knowledgeable should be scheduled to testify early. (This is likely to be the legislative committee chairperson or the State Branch President). Decide upon what each is going to say, and discuss protocol and guidelines for giving testimony.

(c) Having background information on each of the committee members enables those testifying to anticipate attitudes and questions which may surface.

____18. In presenting testimony, the following guidelines may be helpful:

____(a) In your introduction, identify yourself and your area of expertise or interest, and the organization you represent.

(b) Present your testimony from memory or notes, but do not read it if at all possible. Get to the heart of the matter at once. Be aware of what other testifiers have stated and do not repeat "old data." Close your testimony with a very brief summary and offer to respond to any questions that may arise.

(c) Do not be evasive in answering questions. Give responses when you can. Acknowledge the question. If you cannot answer, say so and offer to research the questions and submit a supplementary statement later

____19. Anticipate and prepare to respond to your opposition with counter-arguments after they have testified if it is necessary. Having someone taking notes of questions committee members ask as well as the testimony given by the opponents will facilitate this task. Better yet, if possible, pre-empt their arguments by weaving your responses to their objections into your initial testimony.

____20. After testifying, stay for questions and informal discussion with legislative committee members as well as persons or groups who testified in opposition to your position. Have a debriefing session among your group following the hearing.

____21. Follow-up activities to the hearing and testimony should be charted. Where necessary, prepare answers for committee questions that were not adequately answered. Decide which ones can be submitted in writing and which ones should be discussed with committee members. Both constituents and association leaders should do follow-up. Maintain contact with committee staff aides and the chairperson to follow progress of the bill.

Working with the Full Legislature

____22. When a bill is voted out of committee, it will go to a committee having power to assign it for floor hearing. Bills often die or are killed at this point because of or for the lack of a single effective contact. Your efforts with members of this committee (called the Rules Committee or Calendar Committee in many states) at this point are crucial.

Initiating:

Members need to be contacted by your leadership and constituents in the legislators' home districts to express their interest in the bill and the urgency of judicious timing for a floor vote.

Influencing:

If you are opposing a bill, this is an ideal time to kill it with the effort of a few people. Impacting this group is much easier than attempting to have a bill killed on a floor vote.

____23. Before the bill goes to the floor, your communication network needs to go into action. Determine what the essential message should be, have counselors and interested constituents contact their legislators through personal visits, telegrams, phone calls, or letters. There is no substitute for a personal contact, however.

____24. Line up bi-partisan support among legislators to speak for (or against, if you are in opposition) the bill when it goes to the floor.

____25. Carry out a "person-to-person" campaign at the state house. Utilize members and consumers who personally know legislators and who are informed about the issues of the bill, its major provisions, and your position on it.

____26. On the day of a floor vote, have members at the state house in numbers, identified by organization and "Vote Yes (or No) for ____________."

Keeping the Action Going

____27. Keep in touch with the governor's office during the time the bill is in the legislature. Counselors and interested persons should write or call the governor's office to indicate support for (or opposition to) the bill.

____28. Be willing to compromise within reason within your organization, with coalition groups, with the opposition, and with the legislators.

____29. Try to prevent burnout among your leadership. Support one another and keep in frequent contact. Encourage grassroots workers through personal contacts and letters.

____30. Maintain a belief in the cause, be optimistic, continue with key and timely contacts with all those who can influence the bill until the governor signs it into law.

TIPS FOR WORKING WITH LEGISLATORS

Arleen Casto Lewis, Ph.D.

As our profession develops, counselors are finding themselves in situations where they are being required to have regular contact with legislators, both at the State and national levels. While this is a new kind of activity for most counselors, it seems that we have many specialized skills which facilitate our ability to have an impact upon the legislative process. The purpose of this brief article is to share a few "tips" on how to manage the inevitable crises that seem to develop during any type of legislative activity.

As is true with almost any situation, the best way to handle a problem is to prevent its occurrence whenever possible. Within the legislature this can best be accomplished by extensive preparation. Influence and personal power are tied to charisma and financial backing as much as to title. Never assume that the chairperson is the only person you need to speak to. There may be committee members with much greater influence.

Become acquainted with the legislative support staff. Employees of the legislature have extensive information about how the process operates and how to relate to key legislators.

Put together a good communication system. This is an important way of keeping all of your people informed about events and organizing support for legislation at all levels.

Pay careful attention to the selection of sponsors for legislation. A good sponsor is someone who has influence, who is interested in your cause, and who has the time to devote to it. People with all of these qualities are rare, but well worth finding.

Monitor your legislation daily -- in person if at all possible. The legislature can move quickly, and if you aren't there it will move without you.

In spite of the best preparation, some problems will inevitably arise. Being able to handle them requires early recognition of the difficulty. Watch the mood of the people you are working with. Any change in attitude, momentum, or schedule could be a clue that you are in trouble.

Once you have become certain that you are in some type of crisis, there are steps that you can take to solve the problem. First of all, carefully identify the extent of the opposition. While it may appear that the entire State is against you, the actual opposition is likely to include only a few key persons. Follow from one to another until you are certain about who and what you are dealing with. Don't ever ignore anyone. One person can potentially kill a bill.

Make all contact in person and in dyads. This may involve some waiting, but you will be much more effective this way. Stay in that office until you have established some type of compromise. Be sure to learn what you would need to do to receive the support of the opposition. In those very rare cases where compromise is impossible, identify a person of equal power or status to intervene on your behalf.

Remember! You have finely developed skills in listening and conflict resolution. That gives you the advantage in a crisis.

(NOTE: This is a summary of an article entitled "Coping with Crisis in the Legislative Process," by Arleen Casto Lewis and L. H. Moore, Personnel and Guidance Journal, 1982, 60, 622-624.)

POWER, LOVE, MONEY, AND POLITICS

J. Melvin Witmer

Ohio University

[NOTE: The following material first appeared in Action Line, the newsletter of the APGA Licensure Committee, during the 1978-79 service year. Mel Witmer, a counselor educator at Ohio University, served on the APGA Licensure Committee from 1976 to 1981, longer than any other person. During most of this time, he was also co-chair of the licensure committee of the Ohio Personnel and Guidance Association. Most of the wisdom in these articles was derived from his experience at the state level. Even though the most recent piece was completed nearly four years ago, the APGA Licensure Committee believes that these articles are timeless in their value to persons currently active in licensure legislative efforts. DKB]

In thinking of a heading for a column on the legislative process of counselor licensure, I searched for words which would capture the essense of the political arena as I have experienced it in our legislative pursuits of licensure in Ohio and in my work with counselor licensure groups elsewhere in the country. Words which express this intellectual and social-emotional encounter are *power, love, money,* and *politics*. The legislative process is always challenging, often frustrating, but never dull, and it tends to bring out the manic-depressive phases in one's personality. The lines of support and opposition are sometimes clearly drawn, but at other times mercurial and amorphous. The fluidity and changing shape of events never cease to amaze me.

My column for each of the next four issues of the Action Line will focus on one of these four different emphases of legislative strategy and procedures. It should be noted, however, that the four concepts of *power, love, money,* and *politics* are interrelated and one cannot be discussed without some reference to the others. In this issue I will discuss the concept of *power:* how and where it is generated and its use for counselor licensure. Under *love* will be included exploration of contacts with legislators, lobbyists, counselors, counselor organizations, community and state agencies, and other organizations that represent a helping profession. *Money* will be used generically to examine the resources that are necessary to get a bill passed, e.g. time, people, printing, telephones, dollars, etc. *Politics* will enable us to observe the interplay of people, issues, power, and relationships in the art and science of influencing legislation.

Power

Let's begin by recognizing that power is a necessary condition for anything happening in counselor licensure. Counselors historically seem to have had an aversion for the exercise of power, as well as a reluctance to admit to ownership of power.

In the positive sense of the word, power is the capability to act or produce an effect, the force or energy to do the work. Licensure is a means of establishing our existence legally, thus giving us power in determining the destiny of our profession. How, then, is power created to achieve licensure?

Believing in the cause of counselor licensure will make a difference in the commitment and energy counselors will invest in working toward that goal. Just recently a state leader in counseling shared the opinion that if we do not get licensure, counselors as we now know them will not exist in several years. It is this kind of concern for the future that mobilized opinion and energy for action. A prophet of the Old Testament said it well when he declared that, "Where there is no vision, the people perish." Without a vision for the future of counseling and an awareness of the present forces impinging on our profession, counselor licensure efforts will not go far. It takes a leader at the state level who can persuade, inspire and motivate counselors across the state to work for the cause. Without that, a handful of counselors believing in the cause cannot establish sufficient power with a state legislature.

Effective *leadership* is the second source of power. Before selections are made of those who are to provide leadership a careful search and screening should be made to identify the best leadership potential in the state. Persons should be groomed to take over positions when terms expire. More on the qualities of leadership will be covered under *love* but it is crucial that the person having contact with legislators, counselor groups, state and community agency leaders, and lobbyists have a sense of his/her own power, possess good human relations skills, be assertive, be cooperative, be able to confront when necessary, and have skills in conflict resolution. It is unwise to change effective leadership in the middle of licensure efforts since contacts and credibility are built up over the years.

Leadership in sponsoring the bill in the legislature is the other focal point for establishing leadership power. Be cautious about accepting the first legislator who wants to sponsor your bill. Criteria for selecting a legislator might include: (1) Member of the majority party and/or respected by both parties; (2) A good track record in getting legislation passed; (3) Respected by minority groups and legislators; (4) Potential interest in counselor licensure; and (5) Willing to accept input from the counseling profession in the writing of the bill.

Knowledge of counselor licensure, the rationale, issues, strategies, and sample legislation is the third prerequisite of any drive for licensure. Before one is able to convince fellow counselors, let alone legislators, a strong knowledge base is essential. We need to remember that "knowledge is power" and that we do attribute power to the person who really "knows what he/she is talking about." An impressive knowledge base has been developed in the first five years of our profession's licensure efforts. The APGA Licensure Committee Action Packet, the ASCA Licensure Educational Package for Professional Counselors, and the APGA journals are excellent resources.

Other aspects of knowledge include: (1) The status of counseling in the state--numbers, different job settings where counselors are employed, state professional organizations, etc.; (2) How the proposed legislation would impact counselors in the various settings; (3) How many counselors might be eligible during the grandfathering period and the next few years thereafter; (4) The cost to the state to maintain a board to regulate the profession; and (5) A professional code of ethics, national counseling organizations, criteria for a profession, and preparation standards for the profession.

It goes without saying that there is power in *organizing* and in *organizations*. While there is power in number, there is potentially more power in having an organization that will direct energies for a specific cause, even though the number of persons involved may be comparatively small. Agreement within the organization representing the various professional groups is essential on: (1) Positions on a licensure bill, as well as opinions on particular issues connected with a bill; (2) Strategies to be used; (3) Priorities and allocation of resources; and (4) Who has the power to make decisions for the organization, particularly during the legislative hearings when on-site decisions are urgent.

Concensus and support within the organization is essential before a bill is introduced in a legislature. In one state the social workers have made 3 attenpts in the last 6 years to get their licensure bill out of committee; each time it has been defeated because their members were fragmented and different factions testified in opposition to one another's position. No legislature will get involved in resolving differences within a profession. It is necessary that we "get our act together" and work hard to "keep it together."

Organizational sources of power can include a formal affiliation with other organizations already in power positions and through informal coalitions with groups willing to support the cause. For example, in Ohio, because of the relationship of the Ohio School Counselors' Association with the Ohio Education Association, the licensure bill had priority among the legislative efforts of the OEA and we have the benefits of their lobbying, recognized by legislators as one of the most influential in the state.

If you have ever lost your voice, you may remember a feeling of powerlessness and frustration. The same is true of an organization that does not have a voice, that is, a *communication and information system* that provides linkage to all the legislators, to the different counseling groups, and to selected individual counselors. Ideally your communications system should enable a counselor to make contact with his/her legislator in the legislator's home district within 3 days. Ohio has experienced some striking examples of the power which exists in such a communication system with legislators.

Establishing and maintaining an information and education system is essential to inform counselors on matters ranging from "Why is licensure important" to "How do I go about contacting my legislator." Modalities for providing adequate and up-to-date information include: (1) Workshops, reports and panels at state, regional and local meetings; (2) Special newsletters from the licensure or legislative committee; (3) Existing counselor newsletters; (4) Telephones; and (5) letters or telegrams. This system should also include direct contact with legislators, preferably face-to-face in their offices, as well as through invitations to state and local counselor meetings. They are usually glad for the opportunity to meet constituents, express opinions, and listen to the needs of your group. When a bill is to be heard or voted on, whether in committee or on the floor, it is absolutely essential that your communication system enable you to have a counselor make contact with each legislator and get a report back on a "yes," "no," or "maybe" vote on the bill. In Ohio, we were able to make contact with legislators in 70% of the 99 House Districts.

Workshop sessions at the state, local and regional levels are necessary to broaden the support base for licensure, updating those in attendance on the status of licensure and systaining the momentum for the cause. Part of the workshop should include training counselors how to contact legislators.

The last quality for power is that of *credibility*. Both the cause and the persons providing leadership and legislative contacts must be believable. Credibility cannot be bought but must be earned. Trust and credibility in contacts with legislators is achieved through: (1) Being knowledgeable about licensure, the issues, concepts and provisions; (2) The ability to communicate this in testimony, letters, and by telephone; (3) Good human relations skills in your contacts; (4) A basic honesty in your communications, without misleading or distorted information; (5) Planning the testimony (to be discussed fully in a later issue); and (6) Having official organizational stationery when representing an organization.

In summary the power which is essential for getting counselor licensure can be created through a belief in the cause; effective leadership at state, regional and local levels; knowledge of the issues and provisions of licensure; organizational planning and coordination; a two-way communication and information system; and credibility with the legislators.

In the next issue I will discuss *love* and the value of professional and personal relationships in legislative action.

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LOVE IS A MANY SPLENDORED "C"

This article is the second in a series on POWER, LOVE, MONEY, AND POLITICS, in which I am attempting to share what I have learned about counselor licensure over the last four years. The first article identified the above four components essential for counselor licensure legislation, then discussed the concept of *power* and how it is generated, through believing in the cause, effective leadership, adequate knowledge, organization, a reliable communication and information system, and credibility. This second article in the series will explore aspects of establishing working and communication relationships with persons, groups, and organizations that can influence the passage of a counselor licensure bill. First I will briefly discuss the characteristics of effective working relationships, secondly the focus of these relationships, and lastly the dimensions of these relationships. The bulk of the discussion will focus on nine "C" dimensions.

Establishing a network of relationships is necessary for drafting licensure legislation and for enlisting broad-based and vigorous support for moving the bill through the legislative process. Licensing counselors is not on the priority list of legislators, consumer groups, or the citizen. In fact legislators in the majority of states have a negative attitude toward licensing still another occupational or professional group. Consumer groups do not see how licensing affects the health and welfare of the people, and the average citizen does not see it as being as important as the rising costs of inflation, heavy taxes, unemployment, crime, and other concerns. This leaves us with a huge task of friendly persuasion. Lest the task look overwhelming, let's keep our sights on where the decision is made - in the state legislature and in the governor's office. In Ohio, for instance, this means that out of 133 government officials we need to persuade 17 senators, 50 representatives, and the governor that counselor licensure is needed. You can figure it out for your own state.

Effective Working Relationships

Without going into a lengthy discussion of the characteristics of effective political relationships, let me say that the human relations skills we as counselors are assumed to know and practice, are necessary in working with individual counselors, with counselor groups, with the legislature, with other professions, and with consumer and citizen groups. Good listening, empathic responding, assertive communication, and supportive skills are needed to gain the cooperation and to establish mutual respect with the individuals and groups involved. You cannot risk having persons represent you whose leadership style antagonizes or alienates others.

Above all the leadership in the licensure committee of the state Personnel and Guidance Association must engender trust in their work with those within the organization as well as with legislators and other professional groups. This trust includes belief in the capability of the licensure leadership, delegation of power for committee members to make decisions amidst legislative activity, a belief in the judgment of committee members to make acceptable changes and compromise in negotiations, and confidence that committee members will keep the organization informed of activities, problems, and plans. In another profession's legislative efforts I have seen distrust result in loss of the bill and in a fragmenting of the organization. If distrust occurs it may be necessary to start from scratch with new personnel and plans.

Network Groups

The network of relationships for drafting, introducing and passing legislation can be viewed as including intraprofessional contacts, interprofessional groups, potential interest groups, and legislative bodies. Legislative relationships will be the primary focus for a later edition of this newsletter.

Not all groups should be involved from the beginning. In fact, involving too many people and groups in the drafting of a licensure bill can result in it never getting off the ground, since the more groups there are the more difficult it will be to get agreement on an initial draft. Intraprofessionally the PGA licensure committee might consider potential liaison with counselors in the areas of corrections, schools, colleges, counselor education, pastoral work, alcohol, drugs, employment, vocational guidance mental health, rehabilitation services, mental retardation, family services, children's services, marriage and family therapy, and transactional analysis. While some of these groups may be divisions with the state PGA, others have separate state organizations, and still others have no state professional organizational identity.

Interprofessional contacts that might be made, or that are likely to be made sooner or later whether you seek them or not, are with the school psychologists, teachers' association, psychologists, social workers, clinical social workers, pupil personnel directors and supervisors, school administrators, and the state medical association. In Ohio the education association and the school psychologists testified in support of our legislation and the clinical social workers actively supported it by making contacts with legislators.

Potential interest groups that may have an interest in legislation to support the delivery of human and social services are business, industry, labor, parent, and consumer groups. It's surprising how many citizen groups have organized in the last several years, to work in political activity and legislation that will benefit children, minority groups, handicapped persons, the mentally retarded, family education and parenting, and mental health.

"C" Dimensions

The latter part of my discussion of a network of relationships will deal with the dimensions of these relationships, that is, the conditions, tasks, problems, issues, and guidelines for developing and maintaining cooperative relationships. Conveniently these dimensions can all be described by words beginning with the letter "C", thus making it easier to recall those dimensions of legislative relationships that need development and attending. In the cause of effective communications, I have given an introductory statement for each of the dimensions, followed by several points of emphasis in an outline format. Those involved in licensure efforts might use these as guidelines for planning and working.

Commitment: Unless a sense of destiny, if not urgency, is generated among the professional counselors in your state, there is little that can happen in any licensure efforts. Counseling organizations need to prioritize their goals and chart their mission:

1. Counselor licensure needs to be given top priority with the state PGA leadership and membership. Likewise it should be given high priority in the divisions of the state PGA.
2. The budget should reflect the top priority given to counselor licensure. Money and other resources will be discussed in a future edition of Action Line.
3. Those who are going to make up the licensure leadership need to be committed, especially in time and energy. The one or two persons responsible for the out-front leadership, liaison, and communication should be able to devote on the average six to ten hours a week to this licensure effort. They should be able and willing to serve more than one year and persons to replace them should be carefully selected and trained.

Credibility: Credibility as an essential condition for power was discussed in the last edition. Let me underscore several points here regarding relationships:

1. Trust and mutual respect need to be built through articulating the cause, demonstrating knowledge about licensure, honesty in communication, and dependability in promises and follow-through.
2. Telephone calls and letters are important mediums for establishing trust, but priority must be given to personal contacts with individuals and groups.
3. In the final analysis the counselor constituents must place trust in their leadership to do what they think is best for the counseling profession since the major responsibility for the work and for the decision making falls upon a small group.

Contacts: The strategy proposed for counselor licensure will suggest who should be contacted and when those contacts should be made. Obviously contacts with counseling groups and organizations, as well as with other professional and potential interest groups, will increase as the licensure efforts progress toward and through the legislature:

1. Do you initiate contacts with groups outside the state PGA or do you let them find out on their own? Sometimes it is best to "let sleeping dogs lie."
2. Generally it is best to start with a PGA licensure committee to draft a position paper and licensure bill before involving other groups. This gives you a position of strength and a momentum that is advantageous as other groups learn of your efforts. It is easier to initially get concensus with a small and common interest group, then as contacts are extended use education, persuasion, negotiation, and compromises as it becomes necessary.
3. Beyond the PGA divisions, contacts to be considered are with the leadership of some of the other counselor organizations and groups mentioned previously.
4. Other potential contacts are with state and private nonprofit agencies that employ counselors in the areas of mental health, mental retardation, rehabilitation, employment, alcohol and drug abuse.

5. Related professional groups that might be supportive of counselor licensure are the school psychologists, community mental health workers, clinical social workers, and state education association.
6. Employing a professional lobbyist seems to be highly desirable, perhaps even necessary, when the bill is ready to be introduced into the legislature.
7. One or two counselors should be responsible for developing and maintaining contacts with key legislators in the state capital. It is almost essential that one of these persons reside in or near the state capital.

Coalition: To coalesce or not to coalesce is the question. Coalitions are formed on the basis of mutual support for common goals or of combining strength for separate goals. While there is power in putting together a coalition around an issue or cause, there is also risk of never getting agreement, of fragmenting, and of ending up opposing one another:

1. Try to anticipate those groups that might be directly affected by your counselor licensure bill, form a list, and consider whether to invite them to join a coalition or wait until they respond to the bill.
2. Continuing contact with leadership in the coalition groups is necessary. One or two PGA licensure committee members might take this responsibility.

Communication and Consultation: The communications network needs to be established with at least three groups: the leadership of the various counselor organizations, at least one counselor in each legislative district in the state, and key legislators at the statehouse:

1. Newsletters and bulletins are necessary to inform and educate counselors across the state. A continuing problem is keeping interested persons updated, particularly of changes that have been made in the bill in response to criticism and feedback.
2. Establish a telephone tree which can be activated at any time as a two-way communication system with every legislative district in the state.
3. State and regional counselor conferences, whether annual or periodical, can be used for informing, educating, and training counselors in the legislative process and relevant licensure issues.
4. While the telephone will usually be the fastest and most frequently-used method of communication, letter writing and personal contacts are also necessary. Western Union Mail-o-grams and Public Opinion Messages will be discussed in a later issue. Personal contacts with legislators are usually preferable.
5. Review your skills in problem solving and decision making, even to the extent of memorizing the steps, since this will be critical in maintaining progress in licensure.

Conflict and Opposition: Like any group we must have some means of resolving conflict within our organization. Internally it should be dealt with directly, immediately, and respectfully. In confronting or avoiding conflict with groups outside our own organization we need to consider the consequences of our action and the potential power of the group:

1. Review your skills in conflict resolution.
2. Groups that may (although not necessarily) oppose counselor licensure or some provisions thereof are: state psychological association, state medical association, state psychiatric association, social workers (NASW state chapter), alcohol and drug counselors if they are not included or exempted, and mental health workers who use the title "counselor" and feel they will not qualify for licensure, or are not exempted.

Compromise: It has been said that politics is the art of compromise. Compromises are usually made for one of two reasons: they make the bill a better piece of legislation, or they are essential in order to get the support of others or at least to have them withdraw opposition. If you figure you can get the votes to pass the bill, then compromise is not necessary:

1. How much can you compromise and not seriously affect the standards for counselor performance and delivery of counselor services? Is half a loaf better than none, with the intention of improving the bill at a later time after licensure is established?
2. How much can you compromise and still maintain support of your professional leadership and constituents?

Crises: As in any relationship, there will be ups and downs in your relationships with intraprofessional, interprofessional and potential interest groups, and with legislators. Critical decision points and unexpected opposition constitute the major crisis times:

1. Misunderstandings, false information, inadequate information, or outdated information are frequently responsible for sudden changes in the position persons or groups take in relation to the bill.
2. Waiting to oppose a bill at a cricial point in legislative hearings is part of the strategy of some groups. The element of surprise gives the proponents little time to counter the opposition prior to the committee or floor vote.
3. Crises may occur when there are sudden changes in legislative committee plans for hearing the bill or when legislators change votes or earlier-stated positions on the bill.
4. Running out of time creates a crisis. At least one or two additional states would likely have counselor licensure if the legislature would have had more time (another week in one case and a month or two in another).

Camaraderie: Vince Lombardi, in discussing his philosophy about sports and football, said, "Winning is not everything; it's the only thing."

While I do not subscribe to this as a philosophy of life or for most sports, I believe this attitude is helpful in initiating and sustaining our counselor licensure efforts. I am in it to win and a bill to license counselors is the only thing. This type of goal requires a high level of sustaining energy. Building a support system through nurturing a camaraderie among those working together for this cause enables us to sustain our energy and prevent emotional burnout as we engage in the previous eight "C" dimensions.

Summary: To sum it up, the passage of a counselor licensure bill will require that we practice our profession by using good human relations skills, be empathic listeners, engage in assertive communication, and be effective in problem solving, decision-making and conflict resolution. The network of relationships extends intraprofessionally, interprofessionally, to potential interest groups, and to the legislative bodies. Our success depends in a large part upon developing the dimensions of Commitment, Credibility, Contacts, Coalition, Communication, Conflict Resolution, Compromise, and Crisis. To sustain us in these relationships, we need the other "C" dimension--a sense of Camaraderie.

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THE POLITICS OF LICENSURE: QUESTIONS LEGISLATORS ARE ASKING

In my series of articles on *power, love, money, and politics*, I proposed to write on *money* in the third issue. Everett Dirksen, the late senator from Illinois, once suggested that a good politician reserves the right to change his/her mind when new information is made available. I have changed my mind and chosen to write on *politics* instead of *money*, which will be my topic for my fourth article. The new information I have received is Shimberg and Roederer's Occupational Licensing: Questions a Legislator Should Ask.* If you haven't read it, I suggest you do so before approaching any legislators on counselor licensure. At a recent meeting of the APGA Licensure Committee we discussed how we might respond to the questions posed in this publication put out by the Council of State Governments. I agreed to treat it in this issue of the Action Line and organize my discussion around the questions in the booklet. The responses are based on material from the APGA Action Packet, ASCA's Educational Package, brochures and newsletters from state licensure committees, APGA Licensure Committee discussions, and my own experience in licensure legislation.

In one way or another I have been asked most of these questions over the last 4 years. Please be aware that answers to them will vary from state to state, depending on the nature and history of counseling and psychological services in that state and the existent political and professional circumstances. Without due regard to these unique state conditions, your use of these answers may be hazardous to your cause for counselor licensure. Now that I have stated this declaimer, I will try to respond to the questions briefly, but in sufficient length to be helpful. In doing so it seems logical for me to arrange the questions in an order which would be most meaningful, but one which is a slight departure from the order found in the booklet.

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*Shimberg, B., and Roederer, D. Occupational Licensing: Questions a Legislator Should Ask. Lexington, KY.: Council of State Governments, 1978.

Question: *What Is the Problem?*
Answers:

1. While counseling as a profession does exist, it has no legal recognition or definition. Anyone can use the title "counselor" and hold himself/herself out to the public as providing "counseling services."
2. There is no legal recourse for: (1) Establishing standards; (2) Enforcing professional ethics, and (3) Correcting abuses, negligence, malpractice or incompetence. Little data are available as to who is practicing and how many persons are holding themselves out as counselors. Counselors are employed in many diverse settings and offer a wide range of services. Consequently, it is difficult to document unethical practices and unsatisfactory services. We are trying to anticipate and prevent potential harm to the public. There is documentation of counselors providing misleading or false information, providing services for which they are not qualified, and exhibiting behavior not in the client's best interests.
3. Counselors are being denied employment in the human, health, and social services because they are not appropriately licensed or certified. For example in a recent survey, 70 ACES members reported that in spite of training at the doctoral level in counseling they were denied employment as professional counselors in a clinic or agency because of Medicaid or other insurance coverage requirements for licensed service providers. In addition guidelines in government agencies and Federal grants frequently stipulate that persons providing human and social services have some form of credentialing such as licensure or certification. In making third party payments insurance carriers limit reimbursement to persons appropriately credentialed, often by statutory code.
4. In several states counselors have been ordered by the Board of Psychology to discontinue their practice because they are alleged to be in violation of the state's psychology law, even though these individuals were not calling themselves psychologists. The basis for this action comes from the fact that many state psychology licensure laws incorporate a definition which includes the kinds of activities that most counselors, as well as other helping professionals, do in working with people.

   It is estimated that legal grievance procedures involving counseling professionals, either as a plaintiff or as a defendant, have been filed in at least 20 states. In one case which reached the court, a decision was handed down which acted to define counseling and guidance as a profession. Two cases centered on the issue of the applicant's right to take the examination in psychology. Another case alleged that a counselor was practicing psychology without a license. The cost of defense in individual cases has amounted to over $20,000 each.

5. State boards of psychology have increasingly refused to permit individuals trained outside departments of psychology to take the state licensure examination, even though the applicant's educational program has been "primarily psychological in nature." State psychology boards are placing the responsibility for designation of the program as "psychological in nature" with the educational institution. More than one-half of the counselor training programs are not located in psychology departments. With the criteria set forth by psychologists, persons graduating from programs that are equivalent to a psychology program will find it extremely difficult to qualify for taking the psychological examination administered by the state board of psychology. Professional counselors thus need an alternative credential, such as being designated as a licensed professional counselor.

Question: *Why Should the Occupational Group be Regulated?*

Answers:

1. There is currently no legal definition of counseling services and no responsibilities for regulating the profession. If counselors were licensed, the individual practitioner could be held accountable.
2. Licensure would protect the public's right to be served by qualified counselors and their right to freedom of choice in selecting counseling services. Consumers are entitled to the use of any counseling services which meet their needs.
3. Licensure would protect the constitutional right of counselors to practice their profession. It would offer employment options for counselors in a variety of work settings, including private practice.
4. While the largest counselor association in the world has preparation standards for counselors, there is no single or common set of standards accepted by sister associations. Licensure would provide the public with more uniform criteria and information for evaluating the qualifications of those providing the service.
5. Professional counseling is an occupation in which there is considerable autonomy and independent judgment required because of the private and confidential nature of the service. It is usually performed in a private one-to-one or small group setting, and continuing on-site supervision is not usually possible or desirable. Persons engaging in independent practice generally have no supervision, other than consultation with another professional, when initiated by the practitioner. The nature of the service requires considerable objectivity in dealing with subjective information. Regulation, therefore, by state legislation is desirable.
6. The process of counseling is essentially an interpersonal relationship which involves the client's mental health, life style, and personal development. Persons, not products, are at stake. In most states barbers and beauticians, for instance, are required to complete classroom instruction and, in some states, as many as 1500 clock hours of experience, to qualify for licensure. How does one explain there being no minimum requirements for counselors who help people get their heads together and chart their own destiny?

Question: *Why Is Regulation Being Sought?*
Answers:

1. The publication, "Standards for the Providers of Psychological Services," (APA, 1974) calls for supervision by a psychologist of all unlicensed persons in schools, colleges, community or government agencies that provide "psychological services." Counselor licensure would deter such monopolistic intentions.
2. Currently psychologists and psychiatrists qualify for third party payments under federal and state programs as well as private health insurers. Counselors do not. Counselor licensure is necessary to insure the right of the consumer to be reimbursed for the cost of qualified counseling services.
3. Counselor positions in some statewide agencies are being eliminated because of the proviso that only licensed providers, such as psychologists or social workers, may perform psychological counseling and social service functions in the future.
4. The Veterans Administration recently established a policy to require all individuals employed as "psychologists" in VA hospitals to be licensed by State Boards of Psychology. Many individuals with a counseling psychology background would not be eligible to take the examination under current Board practices in many states.
5. At the federal level, the Department of HEW published a report in 1977 calling for national certification of health professionals and the establishment of national standards for professionals' training. Certain recommendations would limit federal reimbursement to those professionals licensed by State Boards adhering to national standards. If implemented, the counseling profession would be excluded from all federal programs, thus denying counselors jobs and opportunity for employment and also denying the public access to their services in many programs and settings.
6. Qualified counselors are being prevented from rendering services because of a "scope of practice" statement of another profession, namely psychology. State psychology laws and board regulations are exclusionary and restrictive, consequently placing undue restraint upon the practice of counseling, and limiting services available to the public.
7. Efforts have been made at the national level between the American Personnel and Guidance Association (APGA) and the American Psychological Association (APA) to resolve differences regarding the exclusionary nature of psychology licensure and the restrictive effect on the practice of counseling. No progress has been made at either the state or national level.

[NOTE: The response to the next question is somewhat dated. Readers are reminded that the National Board of Certified Counselors (NBCC) and the National Academy of Certified Clinical Mental Health Counselors (NACCMHC), both mentioned in text as being in the planning stages, are now operational. Also, as of February, 1983, five more states (Arkansas, Alabama, Texas, Florida, and Idaho) had passed counselor licensure laws, in addition to the original law passed in Virginia in 1976, On July 13, 1983, North Carolina passed a counselor registration law, bringing the total number of states with statutory credentialing for counselors to seven. DKB]

Question: *What Efforts Have Been Made to Address the Problem?*
Answers:

1. The groundwork has been established for a national registry of counselors qualified to provide services. In addition to this current effort 2 counseling groups affiliated with APGA have national certification plans: the rehabilitation counselors who have had a national registry for several years, and the mental health counselors who are presently establishing certification standards. While a national registry seems desirable, it alone is not sufficient to deal with the problems surrounding counselor credentialing. For example, it does not provide an enforceable code of ethics or privileged communication.
2. Most counseling groups have a code of professional ethics. APGA's code of ethics was first adopted in 1961 and revised in 1974. However, membership in APGA as well as other counseling organizations is voluntary. Compliance with the code is voluntary. The problem is one of enforcement. With membership and compliance voluntary, sanctions are virtually non-existent for dealing with questionable practices and consumer complaints. No group currently has the power to investigate or to intervene in unethical practices. Counselors practice in a multiplicity of specialties in community, educational, government agencies, and in private practice settings, thus increasing the difficulty of implementing a voluntary code of ethics.
3. One state (Virginia) has established a behavioral sciences board which includes psychologists, social workers, and counselors. An umbrella-type board with semi-autonomous bodies permits the coordination of licensing allied professionals, while reducing the bureaucratic red tape.
4. Non-legislative efforts to have counselor positions included in state and federal classifications have been extremely difficult to accomplish. Employability involves more than having training and experience. In the absence of titles and job descriptions within the systems, counselors will continue to be either unemployable or underemployed for positions they may be otherwise qualified to fill.
5. Securing an inclusion within an existing board through legislative amendment or board policy change is a possible option, e.g. in a psychology, social work, or marriage and family counselors board. This alternative has been attempted by counselors in several states but has not been accomplished because of strong opposition from the other professional groups.
6. Individuals in several states have utilized the court system to establish eligibility to take the examination for a psychology license. Others have utilized the courts to establish their right to practice counseling or to defend themselves against the charge of practicing psychology without a license. This option

is costly in money, time, and sometimes in reputation. No suit has as yet been brought to challenge the constitutionality of existing licensure laws interfering with the practice of counseling. Consultation has been held with the Federal Trade Commission regarding restraint of trade and monopolistic practices.

Question: *Will the Public Benefit From Regulation of the Occupation?*

Answers:

1. Licensure will help identify qualified practitioners for the public since the use of the title would be limited to persons who meet the standards for statutory credentialing. Such persons would be able to hold themselves out to the public as licensed professional counselors.
2. The public has a need for less clinically oriented, more preventative services than are provided by psychiatrists and psychologists. Professional counselors can provide developmental health care services which will result in an eventual reduction in mental health costs. Such lower cost services would be available in geographically wider areas, since psychiatrists and psychologists are typically concentrated in the higher density urban areas.
3. There is currently no investigatory or sanctioning body with the authority to respond to and intervene in harmful or unethical practices perpetrated upon the public. Licensure would hold individual practitioners accountable.
4. Protection of information disclosed by a client can be provided through a licensure law. Without privileged communication for the client, there is no assurance that information disclosed in counseling will not be used against the person in court-ordered testimony or in other ways not helpful to the client or to his/her best interests.
5. Standards in the APGA Action Packet under Guidelines and Suggested Legislative Language for Counselor Licensure Laws are consistent with those approved for counselor preparation programs in counselor education institutions. Some pertinent guidelines suggested for the public benefit are:
    a. Providing evidence of professional competence through written, oral or performance criteria.
    b. Including field experience during the training period. Three years of supervised full-time experience in professional counseling is suggested for licensure.
    c. Renewing the credential periodically and providing evidence of continuing education.
    d. Establishing procedures for consumer complaints.
    e. Granting power to the board through legislation to use suspension, revocation or sanctions to handle ethical violations.
    f. Providing the consumer with information regarding qualifications, services, fees, and procedures for dealing with complaints through the professional disclosure statement.

Question: *Will Regulation Be Harmful to the Public?*

Answers:

1. As mentioned previously the licensure guidelines encourage a professional disclosure statement which includes information about professional qualifications, fees, and services as well as the address and phone number of the Board of Counseling. Such information would enable consumers to make informed decisions.

2. Regulation will not control the supply of practitioners because:
   a. Reasonable standards in the guidelines are not exclusionary and restrictive.
   b. Reciprocity with other states is encouraged for those who have substantially similar qualifications.
   c. No single preparation or training level is prescribed. Provisions may accommodate a range of levels of experience and training, as well as for the diversity of services provided. A limited licensure provision would allow for persons not meeting regular standards to practice under restricted or supervised arrangements.
3. No attempt is being made to restrict or prevent other occupational groups from providing services for which they are qualified by training and experience to provide. The emphasis is on licensing the title rather than "scope of practice." Provisions for exemptions would be included.
4. Regulation will stabilize if not reduce the cost of services to consumers by providing additional mental health professionals qualified to provide services in their specialty and at their level of training and experience. Availability of practitioners should increase as a result of legal recognition and inclusion in state and federal classification systems and being eligible for third party payments.
5. Safeguards for the public and prevention of occupational self-interest include such recommended provisions as:
   a. Forty percent of board membership being constituted by the public at large.
   b. An enforceable code of professional ethics.
   c. Renewal of license.
   d. Continuing education.
   e. A professional disclosure statement.
   f. Right of any citizen to petition for a court injunction.

Question: *How Will the Regulatory Activity be Administered?*

Answers:

1. The board would have members representing both the occupation and the public. Membership suggested but not necessarily included at any given time should represent the differences in gender, racial and ethnic origins and the various levels of graduate and professional degrees and specialties.
2. The board would have power to establish rules to implement the law in reviewing individual applicant qualifications, establishing examinations, conducting investigations and disciplining practitioners.
3. The board would have power to promulgate rules and codes of conduct.
4. All proposed rules would be open to a public hearing before being adopted by the board.
5. Actions of the board would be subject to review by the state legislature and any duly constituted agency established for such purpose as well as by the attorney general's office.
6. The cost of administering the board should be borne by the fees established for licensure. Minimum and maximum fees might be established by the licensure law, but the nature of the fee should be governed by the total cost of operating a self-supporting licensure board. In preparing testimony for the legislative hear-

ings a projected cost analysis of operating board expenses can be made on the basis of counselors anticipated to be licensed in the first year and beyond.

Question: *Who Is Sponsoring the Regulatory Program?*

Answers:

1. Sponsors include the State Personnel and Guidance Association and other counseling organizations, associations, and groups who independently or as a part of a coalition wish to sponsor or support the licensure bill. When talking to legislators it is important to identify who is being represented and the nature and interests of these groups. Identify approximately how many practitioners belong to each group. Consumer or citizens' groups may be willing to cosponsor the bill.
2. Identify non-counseling groups that are supportive of the legislation. They may be other professional groups, parent, consumer, or citizen groups, or groups from industry or labor.

[NOTE: The figures in the following paragraph are, of course, out of date. As of July, 1983, six states had passed counselor licensure laws. One state has passed a counselor registration law. A survey conducted by the APGA Licensure Committee in the fall of 1982 indicated that 23 states planned to introduce counselor licensure bills in the 1983 legislative sessions. DKB]

3. The American Personnel and Guidance Association took an official position as early as 1974 in favor of pursuing the licensure of professional counselors in the various states. APGA is made up of 13 divisions with more than 40,000 members who are employed in a wide range of counseling settings and services. As of this time 49 states have persons designated as State Licensure Representatives, 31 states have adopted position statements in support of counselor licensure, 22 states have drafted bills for counselor licensure, 11 states have introduced a licensure bill in their legislatures during the past 3 years, and 17 states will do so in 1979. One state, Virginia, has passed a counselor licensure law.

The above nine questions and answers are intended to enable counselors active in licensure legislation to understand the issues underlying the movement for counselor licensure, and to provide a rationale for communicating with legislators. Their use should be determined according to conditions unique to the state. The answers may be more than you have ever wanted to know or hope to have to use. However, legislators are asking these questions and we need to be able to give an informed answer. In the next issue of Action Line, I will discuss *money* and the in's and out's of legislative action.

POLITICAL ACTION AND MONEY, TOO FOR COUNSELOR LICENSURE

This is the fourth and last of the series of articles on POWER, LOVE, MONEY AND POLITICS. Previous articles have dealt with the creation of power as a necessary condition for attaining counselor licensure, the establishing of working and communication relationships with persons, groups and organizations, and answers to questions that legislators are asking. Money and politics will be the topic of this last article. Lest the reader think money is an afterthought, let me discuss money first.

My use of the word "money" in this article will be as a symbol of the resources necessary for political action in order to attain counselor licensure. Three primary resources are people, time, and dollars. Literally hundreds of people will need to be informed and active in educating other counselors and in contacting state legislators. At least two or three individuals will need to make a major commitment to provide leadership and coordination on a daily to weekly basis. The time required of each of these individuals may average from 6 to 20 hours a week, depending on the stage of legislative action and the priority the individuals are able and willing to give to counselor licensure.

The dollars necessary to pass a counselor licensure bill are difficult to estimate since the two states that have attained counselor licensure have varied from $600 to $20,000 in total amount spent for the cause. A guestimate of an average range might be $2,000 to $10,000, based on the experience of those of us working toward licensure. If a professional lobbyist is used to any great extent, the cost can go considerably higher, but is likely to increase the probability of passage. Items of expense may include printing, postage, telephones, travel, meals, dining with legislators, and fees for lobbyists. Money spent in dining and entertaining legislators is not money to buy their vote, but to buy their time and attention, both of which are needed to establish personal relationships for credibility, education and support.

Sources of money for legislative action are limited only by our own ingenuity. An initial and basic source is through budget allocation from counselor organizations. In most cases the dues in these organizations do not provide adequate money for legislative expenses. Thus it is necessary to use other means for raising money such as: membership assessment; special appeals for donations at regional and state conferences and/or by mail; money-raising schemes ranging in nature from yard sales to raffles; and formation of a separate corporation for fund-raising purposes.

The use of a separate private corporation that is responsible for raising money to be used for the counselor licensure effort should be considered in the overall strategy planning by the state personnel and guidance association. In Alabama the counselors and counselor educators established a private non-profit corporation, while in Arkansas a private for-profit corporation was formed. The disadvantages and advantages of each should be discussed with an attorney in your own state.

If we as counselors are inexperienced in fund raising, we are certainly naive and idealistic, as well as inexperienced, in legislative activity. The art and science of politics is a very different ballgame than counseling. Unless we educate ourselves about the political process, we will not even get into the ballgame, let alone strike out. Licensing is a political process, both within our professional organizations and in the political arena of the state legislature. It may be noted that licensure can be the issue around which we raise our political consciousness and gain invaluable experience for political activism in other professional concerns that may develop in the future.

Following are suggested legislative action guidelines for counselor licensure. They have come from the experience of those engaged in counselor licensure activities and from APGA legislative guidelines. They should be used and modified according to each state's unique needs and circumstances;

(1) Establish and empower a committee through the State Personnel and Guidance Association to coordinate all licensure activities with the legislature, counselor organizations and counselors, coalition groups, professional lobbyists, and opposition groups.

(2) Obtain a sponsor or sponsors of your bill in both Senate and House. Try to get the most "powerful" individuals in both Senate and House to sponsor the bill. Enlisting the support of persons with good legislative records and with a vital interest in counselor licensure legislation is critical.

(3) Project a legislative action budget for the year, to include expenses for telephones, mailing, travel, printing, dining with legislators, and fees for any professional lobbyist employed to work with legislators.

(4) Under the leadership of a responsible person, establish a communication network that can generate letters, telephone calls, and/or personal visits to every legislator in the state at critical points of the legislative process.

(5) Identify a team of persons who can testify at committee hearings and persons who can make personal contacts with legislators in the Capitol when this is necessary. They should be available upon short notice and may be the same or different persons for the two tasks mentioned.

(6) Once the bill is introduced in the legislature, someone has to be responsible for (a) checking on its assignment to committees and its scheduled hearings; and (b) monitoring the status of the bill regularly. At critical times it is essential to monitor the bill daily. Contacts also have to be maintained with key legislators who can ensure that the bill does get a hearing.

(7) Contact every possible group that would have an interest in counselor licensure and get written commitments of support if at all possible. Prepare packets of documented commitments. Enlist the groups' support in contacting legislators, as well as in testifying at committee hearings.

(8) If financially possible, secure the services of a widely-respected lobbyist to represent you at the Capitol. The stronger the

anticipated or actual opposition to the bill, the more likely that the organization will have to hire professional assistance in lobbying for the bill.

(9) It is essential that the organization settle internal disagreements as well as conflicts with coalition groups if it hopes to get a licensing bill through the legislature. If there is opposition within the organization to the bill or to parts thereof, there is little chance of getting it passed. Legislatures will not mediate organizational conflicts.

(10) The following guidelines are suggested for making contacts with legislators from the home district:

(a) Prepare a short question-and-answer type brief for legislators.

(b) Begin contacting and informing legislators of the counselor licensure bill before it goes to the floor for consideration. As your bill goes to the floor, flood the legislators with letters, preferably mail-o-grams. Critical times for action are when the bill is being considered by a committee or by the legislative body on the floor.

(c) In writing to your legislator as an individual use plain or personal stationery. If writing as a representative of a group, use organization stationery. Use first class mail. Be reasonably brief, write your personal views, give your reasons for taking a stand, and if you have expert or first hand knowledge, share it with your legislator. Make sure your return address is on the letter.

(d) If possible, arrange to visit your legislator in his or her home office. If this is not feasible, talk with him or her by telephone. It is always important to follow up with a brief letter to identify the bill and let the legislator know that you support the bill and why.

(e) The MAIL-O-GRAM and PERSONAL OPINION MESSAGE are effective ways to communicate with a legislator when time is of essence. M-O-G's cost $2.95 for 100 words and arrive the next day. POM's cost $2.00 for 15 words (no more, no less) and arrive the same day. Call Western Union to arrange such communications.

(11) In lobbying for the bill at the Capitol, prepare a brief summary of the bill for all legislators (perhaps the same one as suggested in 10a above). Most legislators will have time to read only the brief, not the entire bill. Personally deliver a brief summary of the bill to legislators along with a copy of the bill and letters of support from professionals and organizations in related fields (e.g. education, medicine). Additional attention should be paid to "key" members of the legislature. This should be done before as well as after the legislature convenes.

(12) Carry out a "person to person" campaign at the Capitol. Utilize members who personally know legislators. While the legislature is in session, do not take up much of the legislators' time. Just have members drop by the legislators' offices to say "hello" and remind them of the pending bill. Persons making such contacts should be informed about the issues of counselor licensure and the major provisions of the bill. Hallways, restaurants, coffee shops, lounges, and hotel lobbies, as well as legislative offices and hearing rooms,

are places you will meet legislators. It is also possible to have them called from the floor for brief visits.

(13) In preparing testimony, consider such matters as the problem, the need for counseling services, why licensure is necessary to deal with the problem, how licensure will enable the profession to correct the problem (underscore the major provisions of the bill), who will be affected by licensure, the support for licensure by counselors and counseling groups across the state, other groups who support counselor licensure, why counseling is a profession, and national groups supporting licensure within your state. Depending on the need and circumstances, consider including in your list of persons to testify those whose right to practice as a counselor have been prohibited or restricted by an occupational board in the state. Be prepared for questions; try to anticipate those most likely to be asked and prepare accordingly.

(14) Have a thorough knowledge of the purposes, structure and services of your organization. Be prepared to state for whom you are speaking and how many counselors you represent in the state.

(15) Prepare a select team for testimony at legislative hearings. Testimony should be brief and to the point, utilizing as many prominent professionals as possible. However, persons testifying should be thoroughly familiar with the issues and the bill. If possible arrange the order of the persons to testify, with the most knowledgeable and articulate person first, at least for the first hearing of the bill. Focus on the problem and why regulation is needed. Do not attack other professional groups. It is best to have written testimony for the committee and present your oral testimony from notes rather than reading it. Good eye contact with legislators is important. Learn the simple protocol of testimony: addressing the chair, committee members, etc. A prehearing briefing on last minute details for those testifying should take place prior to testimony to ensure that all is in order.

(16) Know your opposition and develop counter-arguments to be used if necessary. Develop contingency plans for every conceivable event. Keep notes on opposing testimony and be prepared to respond to it.

(17) Guidelines to be used in presenting the testimony are as follows:

(a) In your introduction, identify yourself and your area of expertise or interest, and the organization you represent.

(b) Talk, do not read if at all possible. Get to the heart of the matter at once. Be aware of what other testifiers have stated and do not repeat "old data." Close testimony with a very brief summary and offer to respond to any questions they may have.

(c) Do not be evasive in answering questions. Give responses when you can. If you cannot answer, say so. Offer to look into the question and submit a statement at a later date. Perhaps the question can be addressed by the next person testifying in support of the bill.

(d) After your testimony is finished remain in the hearing room for at least a few minutes so that you can talk informally to committee members or so they can ask you questions.

(18) A debriefing session among the State PGA leadership and those testifying should follow the hearing, to assess the impact and effectiveness of testimony. Analysis should also be made of the testimony in opposition to the bill.

(19) Followup activities to the hearing and testimony should be charted. Contact should be maintained with committee staff aides and at least the chairperson to follow the bill or issue.

(20) After the committee hearing it is sometimes advisable to talk to those who testified against the bill as a whole or to parts thereof, whether opposition was one individual or an organization.

(21) Keep the campaign going until the governor actually signs the bill. Provide information about the bill and try to ascertain whether the governor will sign the bill if it passes the legislature.

(22) Provision needs to be made for funding the operation of the board. If this is not provided in the licensure bill, an appropriate provision should be made in separate legislation.

To accomplish our mission of professional credibility and quality services to the public, we must create our own power for determining our destiny. Essential to this purpose is the need for us to establish trusting and persuasive relationships with the legislators and our colleagues, commit our money and time, and enter the political arena to learn the art and science of influencing legislation.

LEGISLATIVE TESTIMONY

As the reader knows from Mel Witmer's articles, legislative testimony is an important aspect of a successful licensure effort. The APGA Licensure Committee receives many requests for information as to the best way to present testimony before a committee hearing on a counselor licensure bill. We usually respond by directing persons to Mel Witmer's suggestions contained in the previous section and add a few of our own:

1. Try to influence assignment of your bill to a "friendly" committee i.e., one in which you have several previously committed supporters, preferably including the committee chair.
2. Try to attend at least one committee hearing before your bill comes up in order to get some idea of how the chairperson conducts the meetings, what the "atmosphere" is, which members are likely to be most vocal and ask the most questions, etc.
3. Find out as much as you can about committee members before your hearing, e.g., age, occupation, record of support for mental health issues, ages of children/grandchildren, possible connections with members of your State Branch, etc.
4. Find out how much time you are likely to have to present your case and divide the time among members of your testimony team. Enforce the time limits for each presentor.
5. Make sure that you have at least one consumer and at least one person representing a public interest group (Mental Health Association, PTA, senior citizens' group, etc.) included on your testimony team.
6. Rehearse your testimony on videotape and have the team critique each other. If you do all of these things plus all the things

Witmer suggests, testifying at a hearing should be much more pleasant.

The following is an example of testimony provided in Pennsylvania by Artis J. Palmo as the lead member of a testimony team.

My name is Dr. Artis J. Palmo and I am here representing the Pennsylvania Personnel and Guidance Association (PPGA) and the American Personnel and Guidance Association (APGA) in total support of Senate Bill 602, the Counseling and Human Services Acts. These two organizations, PPGA and APGA, represent a variety of counseling professionals; including mental health counselors, vocational counselors, group counseling specialists, counselor educators, testing specialists and other professionals. Both organizations are solidly in favor of professional counselor licensure.

I would like to begin my presentation with a brief historical perspective of the activities that have brought national attention to the issue of counselor licensure. APGA, which represents over 40,000 counselors across the country, adopted a position in favor of licensure in 1974. Through the activities of APGA, and its state counterparts, Virginia became the first state to obtain counselor licensure in April of 1976. Following Virginia, the states of Arkansas and Alabama had licensure bills signed into laws in 1979. Most recently, July 1981, the states of Florida and Texas had counselor licensure bills become laws.

All of this activity on a national basis has shown the necessity for a similar counselor licensure law in Pennsylvania! For too long, the Commonwealth of Pennsylvania has neglected the important issue of who is providing for the mental health needs of the residents of our Commonwealth. With this thought in mind (the mental health needs of Pennsylvania residents) I think it is important to examine the real problems surrounding professional counselor licensure.

First, while counseling as a profession does exist, it has no legal definition or legal recognition, which means anyone can use the title counselor and present themselves to the public as providing "counseling services." This means that anyone, including any of the individuals in this room, can hang out a "shingle" as a counselor and begin to offer so-called "counselor services." Knowing this, how are the citizens of Pennsylvania to know the difference between a qualified counseling practitioner.

If this is not enough of a reason for establishing counselor licensure, let me present some other information. Without licensure, there is no legal recourse for establishing accepted standards of counselor training, enforcing professional ethics, and correcting abuses. Although our organizations have established counseling accrediting bodies, without legal recourse, the effect of these organizations is quite limited. For example, several groups associated with APGA and other separate groups have established various professional registries with very definite standards of counselor training and practice. These certifying groups include the:

(1) National Academy of Certified Clinical Mental Health Counselors.
(2) Commission on Rehabilitation Counselor Certification.
(3) Registry of the American Association of Marriage and Family Therapists.

(4) Register of Clinical Social Workers sponsored by the National Association of Social Workers.

All of these registry bodies are important, *but* they cannot provide the legal protection of a licensure law. The majority of the counselors who apply to these registries already possess the training and skills necessary to function as a professional counselor. In general, the fraudulent counselor would never apply to one of these groups! If we had a licensure law, anyone who would use the title counselor or therapist would have to be approved by the Counseling and Human Services Board.

This discussion leads to the second question, "Why whould the profession of counseling be regulated?" One, there is currently no legal definition of counseling services, *but* if counselors were licensed, the individual could be held accountable for his/her action. Two, licensure would protect the *public's right to be served by qualified counselors and therapists*.

Three, because the profession of counseling is an occupation with considerable autonomy, since most private practitioners do not have direct supervision following training, regulation by a state board is desirable. Finally, the process of counseling involves the client's mental health, life style, and personal well-being. *Persons, not products are at stake!* Barbers and beauticians, for instance, are required to complete classroom instruction and as many as 1,500 clock hours of experience to qualify for licensure. How does one explain there being no minimum standards and requirements for counselors who help people get their heads together and chart their destiny?

In summary, the *primary reason for licensure* is to identify qualified individuals to offer counseling services to the public and to legally define those services for the protection of the public. Counselor licensure would mean that the legislature is meeting its commitment to provide quality mental health services to the citizens of Pennsylvania!

Senate Bill 602, the Counseling and Human Services Act provides:
(1) A legal definition of counseling and counseling services.
(2) A set of standards and requirements necessary to be called a professional counselor.
(3) A Counseling and Human Services Board with adequate representation from the field as well as the general public. In addition, the Board is also open-ended, in that it can be expanded to include other professional mental health groups who may request licensure without having to establish a new board.
(4) Procedures for continuing education for licensed counselors which means all counselors must continue active educational experiences throughout their career!
(5) For privileged communication which is so necessary in the practice of counseling.

For the above reasons, my organizations, APGA and PPGA, totally support Senate Bill 602 and urge this committee to quickly pass SB 602 to the full Senate for a positive vote!

THE LEGISLATIVE PROCESS: AN EXAMPLE

Members who have been involved in the legislative process at the state level know that it is a very involved procedure. Legislative rules and procedures often exist more to prevent than to facilitate the passage of laws. Every state legislature operates differently, with idiosyncratic procedures that have evolved over time for reasons that have often been forgotten, even if they were clearly understood and made perfect sense at the time they were adopted. Making general statements about the legislative process in 52 unique jurisdictions is a risky proposition at best. The following steps appear to be common to all, however.

1. Bills must first be introduced by a member of the legislature. In some states, the bills must first be reviewed by a legislative staff office (variously titled Legislative Review Commission, Legislative Counsel, etc.) to ascertain correct form, potential conflict with existing law, and fiscal impact. In other states, this step is not necessary.

2. Bills are next referred to committee. This is usually a matter in which the presiding officer has considerable discretion. All legislatures have committees to which bills are referred intentionally to allow them to die. In such committees the bills are usually not even called up for a hearing, let alone permitted to come to a committee vote. Influencing the bill's committee assignment is therefore of paramount importance.

3. Assuming that the committee assignment is favorable, a hearing is usually the next step. The bill's supporters and opponents are given the opportunity to testify before the committee. This is also the stage at which amendments are most likely to be offered, changing the language and often the intent of the bill in various ways.

4. The bill is then reported by the committee, with either a favorable or an unfavorable recommendation.

5. The bill may at this point be referred to a second committee, usually to the finance or ways-and-means committees, to determine the fiscal impact, if any, on the state treasury.

6. Scheduling the bill for a floor vote is usually the next step. This step varies widely among the states. In some states, the rules committee or the calendar committee determines when the bill will be permitted to come to the floor for a vote. In other states each reporting committee is allowed to schedule a limited number of bills for a floor vote each week. In still others, the process is much more informal, with the sponsor negotiating with the Speaker as to when the vote will be held.

7. Floor debate usually precedes the floor vote. This is another point at which amendments are frequently offerred.

8. The last step in the initiating house is the floor vote. In most states, a simple majority is required for passage.

9. In every state except Nebraska (which has a unicameral legislature), bills must pass both houses before they can become law. Some states have introduced counselor licensure bills simultaneously in both houses. Whichever bill passes first is then sent to the other house, where it usually takes precedence over the bill originally introduced in that house. Most states that have passed counselor licensure laws, however, have followed a one-house-at-a-time strategy. In either event, the rule prevails that bills must pass both houses. Although there is no guarantee that the respective houses operate by similar rules and procedures, the process in the other house is basically the same as that outlined in steps 1-8.

10. It is likely that there will be differences in the versions of the bill passed by the respective houses. These differences are resolved in one of two ways: (1) the bill is returned to the originating house for concurrence in the amendments made by the other house; or (2) a conference committee is appointed by the presiding officers of the respective houses to resolve the differences. Both houses must then concur with the version of the bill agreed on by the conference committee.

11. Once a bill has passed both houses in identical form, it is forwarded to the governor for signature into law. In every state except North Carolina, the governor may either sign or veto the bill. If the bill is vetoed, it is returned to the legislature. There it either dies or becomes law if an extraordinary majority (two-thirds in most states) votes to override the governor's veto.

The North Carolina Counselor Registration Law passed in July, 1983, is an almost textbook example of the legislative process. The following chronology is provided by Don C. Locke, co-chair of the North Carolina Personnel and Guidance Association Licensure Committee and a member of the APGA Licensure Committee. The entire process took six weeks from introduction to passage. This is the way the legislative process is supposed to work, but rarely does!

June 2, 1983	SB 553 introduced by Senator Cecil Jenkins; referred to Judiciary II Committee.
June 7	SB 553 passed unanimously in Judiciary II with favorable report; referred to Finance Committee.
June 8	Amended in Finance Committee; passed with favorable report.
June 9	SB 553 passed Senate by unanimous voice vote.
June 13	SB 553 filed in House of Representatives; referred to Committee on State Government.
June 15	Amended in State Government Committee; passed with favorable report. Institute of Government attorney raised questions immediately following session.

June 21	On agenda once more for State Government Committee. Institute of Government attorney raised questions publicly. NCPGA committee members Don Locke and Cheryl Posner-Cahill incorporated the suggested changes into a third draft of the bill.
June 28	State Government Committee Substitute Bill received favorable committee report. Original bill received unfavorable report. Opposition to bill presented by International Rehabilitation Associates (IRA), a private rehabilitation firm. Objections rebutted by principal sponsor, Representative Martin Lancaster. Committee Substitute referred to Finance Committee.
June 30	Committee Substitute on original agenda for Finance Committee. Removed from agenda because copies had not been distributed to committee members.
July 5	Committee Substitute passed Finance Committee by unanimous vote.
July 6	Second roll call vote in House (in North Carolina, a bill must be read three times before passage). Two amendments added on floor at behest of IRA. Passed second reading 70-36 after 25-minute debate.
July 7	Third roll call vote in House; passed 79-26 without debate.
July 11	Bill returned to Senate for concurrence in House Committee Substitute and amendments; referred to Special Ways and Means Committee.
July 12	Special Ways and Means Committee gave favorable report.
July 13, 1983	Senate voted concurrence (46-1) of fourth version of SB 553; bill enrolled (declared to be law). Remember that in North Carolina, the governor's signature is unnecessary since the executive does not possess veto power.

SUGGESTED LEGISLATIVE LANGUAGE FOR COUNSELOR LICENSURE LAWS

(Eleventh Draft, revised by the APGA Licensure Committee, November, 1981)

This section of the Action Packet is intended for use by state licensure committees as a guide for drafting counselor licensure legislation. It cannot be overemphasized that this is suggested legislative language. This point is strongly reinforced by the fact that none of the states that have adopted counselor licensure laws have followed the Suggested Legislative Language exactly. The APGA Licensure Committee believes that these suggestions cover all of the desirable provisions that, ideally, should be contained in licensure legislation, but we are aware of the following realities: (1) the format of licensure laws, i.e., the order in which various topics are addressed, varies from state to state; (2) legislative drafting services (variously titled Legislative Counsel, Legislative Research Commission, etc.) tend to work their own will on drafts submitted by interested groups, such as State Branch Licensure Committees; (3) the legislative process often transforms original bills into creatures quite different from the intentions of their sponsors. For these reasons, we reiterate our conviction that each state licensure committee must draft a bill reflecting the wishes and desires of the State Branch, the laws and legislative idiosyncrasies of the particular state, and the committee's best assessment of political realities.

1. STATEMENT OF POLICY

IT IS DECLARED TO BE THE POLICY OF THE STATE OF ____________ THAT THE ACTIVITIES OF THOSE PERSONS WHO RENDER SERVICES TO THE PUBLIC IN THE COUNSELING AREA AND USE THE TITLE LICENSED PROFESSIONAL COUNSELOR BE REGULATED TO ENSURE THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE.

2. SHORT TITLE

THIS ACT MAY BE CITED AS THE PROFESSIONAL COUNSELOR LICENSING ACT.

Comment: The Committee advises that short titles should be chosen carefully. Short titles should describe the intent of the bill as briefly as possible, but should not contain terminology that might be offensive to potential opponents of the bill. Alternate short titles might include "Behavioral Sciences Act," "Human Services Provider Act," etc.

3. ENABLING CLAUSE

TO REGULATE THE PRACTICE OF COUNSELORS IN THE STATE OF _______; TO CREATE A BOARD OF EXAMINERS IN COUNSELING; TO PRESCRIBE THE

DUTIES AND POWERS OF SAID BOARD; TO PROVIDE FOR THE EXAMINATION AND LICENSURE OF COUNSELORS (OR THE EXAMINATION AND CERTIFICATION OF CERTIFIED COUNSELORS); TO FIX PENALTIES FOR THE VIOLATION OF THIS ACT; TO IMPOSE LICENSURE FEES; TO PROVIDE FOR THE USE OF FUNDS RECEIVED.

Comment: While it is recognized that some professions are regulated through registration or certification acts, the Committee believes that licensure is the preferred statutory regulation. Depending upon existing conditions and relevant factors in a state, certification or registration may be viewed as a viable option.

Although there are exceptions, the general rule of thumb is that registration only regulates the use of the title. Certification not only regulates the use of the title, but also specifies the minimum amount of education, training, and supervision needed by individuals to be so certified.

Licensure regulates the use of the title (Licensed Professional Counselor), establishes the minimum levels of education, training, and supervision, and specifies the particular acts or practices that are to be employed by the profession. To varying degrees, licensure also forbids the use of the recognized acts or practices by unlicensed practitioners (unless they are members of other regulated professions or are specifically exempted by other provisions of the act). While registration or certification would afford some protection to the public, the Committee strongly believes that licensure can afford the maximum protection and recommends that whenever possible the legislation be drafted as a licensure statute.

4. ESTABLISHMENT OF PROFESSIONAL COUNSELOR LICENSING BOARD

a. THE BOARD OF EXAMINERS IN COUNSELING IS HEREBY CREATED, AND SHALL CONSIST OF SEVEN MEMBERS, RESIDENTS OF THE STATE OF __________, WHO SHALL BE APPOINTED BY THE GOVERNOR TO SERVE THE FOLLOWING TERMS. . . .

b. FOUR BOARD MEMBERS SHALL BE LICENSED COUNSELORS UNDER THIS CHAPTER. THREE MEMBERS SHALL BE FROM THE PUBLIC AT LARGE. THE GOVERNOR SHALL, THROUGH APPOINTMENTS TO THE BOARD, ENSURE THAT DIFFERENCES IN GENDER, RACE, AND ETHNIC ORIGINS, AND THE VARIOUS LEVELS

OF GRADUATE AND PROFESSIONAL DEGREES AND SPECIALTIES, ARE REPRESENTED ON THE BOARD, THOUGH NOT ALL SUCH DIFFERENCES WILL NECESSARILY BE REFLECTED AT THE SAME TIME IN BOARD MEMBERSHIP. WHEN THE TERM OF EACH BOARD MEMBER ENDS, THE GOVERNOR MAY APPOINT A SUCCESSOR FOR A TERM OF THREE YEARS FROM A LIST OF ELIGIBLE CANDIDATES. ANY VACANCY OCCURRING ON THE BOARD MAY BE FILLED BY THE GOVERNOR FROM A LIST OF ALL ELIGIBLE CANDIDATES. THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR MISCONDUCT, INCOMPETENCY, OR NEGLECT OF DUTY AFTER GIVING THE BOARD MEMBER A WRITTEN STATEMENT OF THE CHARGES AND AN OPPORTUNITY TO BE HEARD THEREON.

c. AT ALL TIMES, THE BOARD SHALL HAVE MEMBERS WHO ARE ENGAGED PRIMARILY IN RENDERING COUNSELING SERVICES AND A MEMBER WHO IS ENGAGED PRIMARILY IN TEACHING, TRAINING, OR RESEARCH IN COUNSELING.

d. WHEN THE INITIAL APPOINTMENTS ARE MADE TO THE BOARD BY THE GOVERNOR, THERE SHALL BE STAGGERED TERMS. TWO MEMBERS SHALL SERVE A ONE YEAR TERM, TWO MEMBERS SHALL SERVE TWO YEAR TERMS, AND THREE MEMBERS SHALL SERVE THREE YEAR TERMS, AS DETERMINED BY LOT.

e. THE MEMBERS OF THE BOARD SHALL BE REIMBURSED FOR NECESSARY EXPENSES WHEN ENGAGED IN PERFORMING THEIR DUTIES AS MEMBERS OF THE BOARD.

Comment: Each state should study the feasibility of establishing an independent board which licenses and regulates the practice of professional counselors only OR the creation of a behavioral science ("omnibus") board which regulates several related professions OR the incorporation of the licensing function for professional counselors within an existing board. The Committee's preference, based on the experience of several states, is for an independent board. It is important that the section of the bill which deals with board membership include language which mandates that appointments to the board reflect the gender, racial, and ethnic origins of the citizens of the state.

The Committee believes that the 4:3 ratio of professional members to lay members argues well for the consumer protection intent of counselor licensure, but state committees recommending proposed legislation must be sensitive here to the political realities of their respective jurisdictions. Language dealing with professional members should require a balance between practitioners and educators/trainers.

State committees are advised that in some states there is a difference in meaning between the terms "consumer member" and "public member" in describing lay board members. A "public member" is generally understood to be a person who has no direct or indirect connection with the occupation's services. It is difficult to imagine a person who is not at least a potential consumer of counseling services. A "consumer member," on the other hand, is just that: a lay person who is a consumer of the regulated occupation's services. The point here is that it is important to use appropriate terminology to describe the type of lay board membership desired.

5. POWERS AND DUTIES OF THE PROFESSIONAL COUNSELOR LICENSING BOARD

a. THE BOARD SHALL ADOPT AND REVISE, WITH THE APPROVAL OF THE ATTORNEY GENERAL, RULES NOT INCONSISTENT WITH THE LAW OF THIS STATE THAT ARE NECESSARY TO ADMINISTER THIS ACT.

b. THE BOARD SHALL MEET NOT LATER THAN THE 30TH DAY AFTER ITS MEMBERS ARE APPOINTED BY THE GOVERNOR. THE BOARD SHALL ELECT A CHAIRPERSON AND A VICE-CHAIRPERSON WHO SHALL HOLD OFFICE ACCORDING TO THE RULES ADOPTED BY THE BOARD.

c. THE BOARD SHALL HOLD AT LEAST TWO REGULAR MEETINGS EACH YEAR AS PROVIDED BY THE RULES ADOPTED BY THE BOARD AND APPROVED BY THE ATTORNEY GENERAL. FOUR MEMBERS SHALL CONSTITUTE A QUORUM, PROVIDED THAT AT LEAST ONE PUBLIC MEMBER IS IN ATTENDANCE.

d. THE BOARD MAY DELEGATE FUNCTIONS AND ACTIVITIES REQUIRED BY THIS ACT TO INDIVIDUALS AND COMMITTEES ON A PERMANENT OR TEMPORARY BASIS IF A QUORUM OF THE BOARD AGREES TO THE DELEGATION AND IF THE DELEGATES CLEARLY POSSESS THE PROFESSIONAL AND PERSONAL QUALIFICATIONS TO ACT AS DELEGATES OF THE BOARD.

e. THE BOARD SHALL KEEP AN INFORMATION FILE ABOUT EACH

COMPLAINT FILED WITH THE BOARD. IF A WRITTEN COMPLAINT IS FILED WITH THE BOARD RELATING TO A LICENSEE UNDER THIS ACT, THE BOARD, AT LEAST AS FREQUENTLY AS QUARTERLY AND UNTIL THE COMPLAINT IS FINALLY DISPOSED OF, SHALL NOTIFY THE COMPLAINANT OF THE STATUS OF THE COMPLAINT.

f. THE BOARD SHALL CONDUCT HEARINGS ON COMPLAINTS CONCERNING VIOLATIONS OF THIS ACT AND THE RULES ADOPTED UNDER THIS ACT.

g. THE BOARD MAY, IN ITS OWN NAME, PROCEED IN ANY COURT OF COMPETENT JURISDICTION TO ENJOIN AND RESTRAIN ANY UNLICENSED PERSON FROM VIOLATING THE PROVISIONS OF THIS ACT AND MAY SIMILARLY ACT TO BRING SUIT TO PREVENT OR REMEDY ANY OTHER VIOLATION OF THIS ACT OR OF THE RULES ADOPTED UNDER THIS ACT. SUCH ACTION IS IN ADDITION TO ANY OTHER PROCEEDING OR REMEDY AUTHORIZED BY LAW. THE BOARD SHALL BE REPRESENTED IN ALL SUCH ACTIONS BY THE ATTORNEY GENERAL OR BY THE APPROPRIATE COUNTY OR DISTRICT ATTORNEY.

h. THE BOARD SHALL RECEIVE AND ACCOUNT FOR ALL MONEY DERIVED UNDER THIS ACT. THE BOARD IS REQUIRED TO CHARGE AN APPLICATION FEE TO BE DETERMINED BY THE BOARD. THE BOARD MAY, AT ITS DISCRETION, CHARGE FEES FOR EXAMINATIONS, LICENSING, CERTIFICATION, SPECIALTY EXAMINATION AND DESIGNATION, AND RENEWAL. THE BOARD SHALL ALSO BE EMPOWERED TO ACCEPT GRANTS AND GIFTS FROM FOUNDATIONS AND INSTITUTIONS TO CARRY ON ITS FUNCTIONS. ALL MONEY RECEIVED SHALL BE DEPOSITED IN THE STATE TREASURY TO THE CREDIT OF A SPECIAL FUND TO BE KNOWN AS THE PROFESSIONAL COUNSELOR LICENSURE FUND AND MAY BE USED ONLY FOR THE ADMINISTRATION OF THIS ACT.

i. NO MEMBER OF THE BOARD SHALL BE LIABLE TO CIVIL ACTION FOR ANY ACT PERFORMED IN GOOD FAITH FOR THE PERFORMANCE OF HIS OR

HER DUTY AS SET FORTH IN THIS ACT.

j. THE PROFESSIONAL COUNSELOR LICENSING BOARD SHALL ADOPT A CODE OF ETHICS. THIS CODE OF ETHICS SHALL BE BASED ON THE CODES OF ETHICS OF THE APPROPRIATE PROFESSIONAL COUNSELING ASSOCIATIONS. THE BOARD MAY REVISE AND/OR ADD GUIDELINES DEEMED APPROPRIATE BY THE BOARD TO GOVERN PROFESSIONAL PRACTICE OR BEHAVIOR AS REFERRED TO IN THIS ACT.

Comment: The language of the section setting forth the powers and duties of the Board should be inclusive enough that the Board is specifically granted power to make rules, to meet, to receive and expend funds, to take action against those suspected of violating the law, and to adopt a code of ethics. Board members should also be protected from suit as individuals for actions taken in the official performance of their duties. Each state, however, has its own traditions related to the amount of power licensing boards enjoy. State committees are advised to study carefully the powers granted to other licensing boards in their state before agreeing on the language of this section.

6. DEFINITIONS

6.1 LICENSED PROFESSIONAL COUNSELOR

"LICENSED PROFESSIONAL COUNSELOR" SHALL MEAN A PERSON LICENSED UNDER THIS ACT AND IS RESTRICTED TO PERSONS TRAINED IN COUNSELING, GUIDANCE, AND/OR HUMAN DEVELOPMENT SERVICES WITH EMPHASIS ON INDIVIDUAL AND GROUP COUNSELING DESIGNED TO ASSIST INDIVIDUALS IN ACHIEVING MORE EFFECTIVE PERSONAL, SOCIAL, EDUCATIONAL, AND VOCATIONAL DEVELOPMENT AND ADJUSTMENT, AND WHO RENDER OR OFFER TO RENDER PROFESSIONAL COUNSELING SERVICES TO INDIVIDUALS, GROUPS, ORGANIZATIONS, CORPORATIONS, INSTITUTIONS, GOVERNMENT AGENCIES OR THE GENERAL PUBLIC FOR A FEE, MONETARY OR OTHERWISE, IMPLYING THAT HE OR SHE IS LICENSED AND TRAINED, EXPERIENCED, OR EXPERT IN COUNSELING, AND WHO HOLD A CURRENT, VALID LICENSE TO PRACTICE COUNSELING.

Comment: The Committee recommends that basic legislation define the generic term "licensed professional counselor" while enabling provisions may be made to allow for specialties through Board rules.

State committees have the option of choosing alternative terminology to describe the generic licensing being proposed. Such alternatives might include "licensed mental health counselor" (as is the case with the Florida law), "licensed human development counselor," "licensed counseling practitioner," "registered practicing counselor" (as is the case with the North Carolina counselor registration law), "certified professional counselor" (if the bill provides for certification rather than licensure), or any other title which is meaningful in describing the profession to consumers and to allied professionals.

Each state committee may want to consult with organized specialties within counseling to establish liaison and support for legislation that defines, delimits, or otherwise significantly affects the practice of counseling in those specialties (e.g., rehabilitation, school, mental health, marriage and family; see Section 7.5). The purpose of establishing the modifiers "licensed professional" or "licensed associate" is to help distinguish between professionally trained, ethically concerned individuals and persons who may use the term "counselor" loosely to denote commercial or similar enterprises of a significantly different nature. This, too, is important to consumer protection.

6.2 LICENSED ASSOCIATE COUNSELOR

"LICENSED ASSOCIATE COUNSELOR" SHALL MEAN ANY PERSON WHO HAS BEEN GRANTED AN ASSOCIATE LICENSE BY THE BOARD TO OFFER COUNSELING SERVICES AS DEFINED IN THIS ACT WHILE UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL COUNSELOR.

Comment: Some appropriate title is needed to denote persons who are temporarily ineligible for full licensure as professional counselors. Such persons will have completed academic/educational requirements (see Section 7.1e), but are still in the process of completing the supervised experience requirement (Section 7.1f). State committees are urged in this section to seek the most appropriate terminology for their particular state, observing the cautions stated in the comment following Section 6.1.

6.3 PRACTICE OF COUNSELING

THE "PRACTICE OF COUNSELING" WITHIN THE MEANING OF THIS ACT IS DEFINED AS RENDERING OR OFFERING TO RENDER TO INDIVIDUALS, GROUPS, ORGANIZATIONS, OR THE GENERAL PUBLIC A COUNSELING SERVICE INVOLVING THE APPLICATION OF PRINCIPLES, METHODS, OR PROCEDURES OF COUNSELING TO ASSIST INDIVIDUALS IN ACHIEVING MORE EFFECTIVE PERSONAL, SOCIAL, EDUCATIONAL, AND VOCATIONAL DEVELOPMENT AND ADJUSTMENT.

Comment: State committees are cautioned against using language in this section that might draw opposition from other human services professions. In particular, any reference to terms such as "psychological" or "psychotherapeutic" is not advised. Obviously, professional counselors employ the principles of psychology and many engage in psychotherapy, but these terms used in legislative language tend to weaken the case for counseling as a separate profession, the practice of which should be regulated by a licensing board.

6.4 COUNSELING PROCEDURES

"COUNSELING PROCEDURES" SHALL MEAN ENGAGING IN METHODS AND TECHNIQUES THAT INCLUDE BUT ARE NOT RESTRICTED TO:

1. "COUNSELING," WHICH MEANS ASSISTING AN INDIVIDUAL OR A GROUP THROUGH THE COUNSELING RELATIONSHIP, TO DEVELOP UNDERSTANDING OF INTRA- AND INTERPERSONAL PROBLEMS, TO DEFINE GOALS, TO MAKE DECISIONS, TO PLAN A COURSE OF ACTION REFLECTING HIS OR HER NEEDS, INTERESTS, AND ABILITIES, AND TO USE INFORMATIONAL AND COMMUNITY RESOURCES, AS THESE PROCEDURES ARE RELATED TO PERSONAL, SOCIAL, EDUCATIONAL, AND VOCATIONAL DEVELOPMENT AND ADJUSTMENT;
2. "APPRAISAL," WHICH MEANS SELECTING, ADMINISTERING, SCORING, AND INTERPRETING INSTRUMENTS DESIGNED TO ASSESS AN INDIVIDUAL'S APTITUDES, ATTITUDES, ABILITIES, ACHIEVEMENT, INTERESTS, AND PERSONAL CHARACTERISTICS, AND THE USE OF NONSTANDARDIZED METHODS AND TECHNIQUES FOR UNDERSTANDING HUMAN BEHAVIOR IN RELATION TO COPING WITH, ADAPTING TO, OR CHANGING LIFE SITUATIONS;

3. "CONSULTING," WHICH MEANS THE APPLICATION OF SCIENTIFIC PRINCIPLES AND PROCEDURES IN COUNSELING, GUIDANCE, AND HUMAN DEVELOPMENT TO PROVIDE ASSISTANCE IN UNDERSTANDING AND SOLVING SOME CURRENT OR POTENTIAL PROBLEM THAT THE CONSULTEE MAY HAVE IN RELATION TO A THIRD PARTY, BE IT AN INDIVIDUAL, A GROUP, OR AN ORGANIZATION;
4. "REFERRAL," WHICH MEANS THE EVALUATING OF INFORMATION TO IDENTIFY NEEDS OR PROBLEMS OF THE COUNSELEE AND TO DETERMINE THE ADVISABILITY OF REFERRAL TO OTHER SPECIALISTS, INFORMING THE COUNSELEE OF SUCH JUDGMENT, AND COMMUNICATING AS REQUESTED OR DEEMED APPROPRIATE TO SUCH REFERRAL SOURCES.

Comment: The definition of counseling procedures is intended to provide a description of the kinds of services familiar to the public. The definition emphasizes the preventive aspects of counseling services, while allowing for the use of remedial interventions. Practically speaking, there will be overlap with other professions who use counseling procedures as part of their intervention strategies. There is no intention by the Committee to suggest restriction of the use of counseling procedures to persons licensed as counselors. To do so would be both undesirable and impractical. The purpose of the above definition is to ensure that counseling procedures may be used rightfully by persons trained, qualified, and licensed to do so. State committees may wish to consider the addition of research as a fifth counseling procedure. Licensure laws in Arkansas, Alabama, and Texas have such provisions, as does the registration law in North Carolina. The Committee suggests study of the Texas law in the Appendix for guidance in wording such an addition.

7. REQUIREMENTS FOR LICENSURE

7.1 PROFESSIONAL TRAINING

THE BOARD SHALL ISSUE A LICENSE AS A LICENSED PROFESSIONAL COUNSELOR TO EACH APPLICANT WHO FILES AN APPLICATION UPON A FORM AND IN SUCH A MANNER AS THE BOARD PRESCRIBES, ACCOMPANIED BY SUCH FEE AS THE BOARD SHALL REQUIRE, AND WHO FURNISHES SATISFACTORY EVIDENCE

TO THE BOARD OF THE FOLLOWING:

(a) THAT THE APPLICANT HAS REACHED THE AGE OF MAJORITY AS DEFINED IN THIS STATE;

(b) THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES OR HAS DECLARED HIS OR HER INTENTION TO BECOME A CITIZEN. A STATEMENT BY THE APPLICANT UNDER OATH THAT HE OR SHE IS A CITIZEN OR THAT HE OR SHE INTENDS TO APPLY FOR CITIZENSHIP WHEN HE OR SHE BECOMES ELIGIBLE TO MAKE SUCH APPLICATION, IS SUFFICIENT PROOF OF COMPLIANCE WITH THIS REQUIREMENT;

(c) THAT THE APPLICANT IS OF GOOD MORAL CHARACTER;

(d) THAT THE APPLICANT IS NOT IN VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT AND THE RULES AND REGULATIONS ADOPTED HEREUNDER;

(e) THAT THE APPLICANT HAS RECEIVED A MASTER'S DEGREE FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION, WHICH IS PRIMARILY COUNSELING IN CONTENT AND WHICH MEETS THE ACADEMIC AND TRAINING CONTENT STANDARDS ESTABLISHED BY THE BOARD, OR THE SUBSTANTIAL EQUIVALENT IN BOTH SUBJECT MATTER AND EXTENT OF TRAINING. THE BOARD SHALL USE THE STANDARDS OF APPROPRIATE PROFESSIONAL COUNSELING ASSOCIATIONS AS A GUIDE IN ESTABLISHING THE TRAINING STANDARDS FOR COUNSELOR LICENSURE.

(f) THAT THE APPLICANT HAS THREE (3) YEARS OF SUPERVISED FULL TIME EXPERIENCE IN PROFESSIONAL COUNSELING ACCEPTABLE TO THE BOARD; ONE (1) YEAR OF WHICH MAY BE OBTAINED PRIOR TO THE GRANTING OF THE MASTER'S DEGREE. AN APPLICANT MAY SUBTRACT ONE (1) YEAR OF THE REQUIRED PROFESSIONAL EXPERIENCE FOR EVERY THIRTY (30) GRADUATE SEMESTER HOURS OBTAINED BEYOND THE MASTER'S

DEGREE, PROVIDED THAT SUCH HOURS ARE CLEARLY RELATED TO THE FIELD OF PROFESSIONAL COUNSELING AND ARE ACCEPTABLE TO THE BOARD. IN NO CASE, HOWEVER, MAY THE APPLICANT HAVE LESS THAN ONE (1) YEAR OF THE REQUIRED PROFESSIONAL EXPERIENCE;

(g) THAT THE APPLICANT HAS DECLARED HIS OR HER AREAS OF PROFESSIONAL COMPETENCE THROUGH A STATEMENT OF PROFESSIONAL INTENT, DESCRIBING THE INTENDED USE OF THE LICENSE, THE CLIENT POPULATIONS WITH WHOM THE APPLICANT WILL WORK, AND THE COUNSELING PROCEDURES THE APPLICANT PLANS TO UTILIZE, INCLUDING THE APPLICANT'S THEORETICAL ORIENTATION AND PREFERRED INTERVENTION STRATEGIES;

(h) THAT THE APPLICANT HAS VALIDATED THE COMPETENCIES DECLARED IN THE STATEMENT OF PROFESSIONAL INTENT AS WELL AS DEMONSTRATED HIS OR HER KNOWLEDGE OF THE FIELD OF COUNSELING IN GENERAL BY PASSING AN EXAMINATION, WRITTEN AND/OR ORAL AND/OR SITUATIONAL, AS THE BOARD WILL PRESCRIBE. UPON EXAMINATION OF CREDENTIALS THE BOARD MAY, BY A MAJORITY OF THE BOARD MEMBERS PRESENT AND VOTING, CONSIDER SUCH CREDENTIALS ADEQUATE EVIDENCE OF PROFESSIONAL COMPETENCE AND RECOMMEND TO THE CHAIRPERSON OF THE BOARD THAT A LICENSE BE APPROVED.

Comment: The Committee is aware that there are various training modes and settings for persons in counseling practice. At the present state of the profession's development, our history is based primarily upon experience in education and vocationally oriented employment institutions. This is rapidly and profoundly changing as societal needs for counseling services have shifted. While there is justification for questioning graduate level training as a minimal level for all persons who practice counseling with a specific clientele (e.g., drug or alcohol), we must emphasize that independent practice or its equivalent in an institutional setting suggests a breadth of knowledge and experience which increasingly have both legal and ethical implications. We believe that the recommended combination of the master's degree (which we expect will increasingly represent two full years of graduate training as programs seek to meet accreditation standards) and three years of supervised experience provides a level of competence that can reasonably assure the consumer of quality services.

The statement of professional intent recommended in Paragraph (g) is a new addition based on the practice of the Arkansas Board of Examiners in Counseling. This Board has found such a statement to be invaluable in assessing an applicant's areas of expertise. It is recommended that such a statement form the basis for the professional disclosure statement recommended in Section 14 below.

The Committee is acutely aware of the difficulties inherent in any written examination, particularly when it is used as a screening device. We strongly encourage states to take steps to see that any written examination does not discriminate unfairly and has established validity. While selection of an examination is a prerogative of the Board and should not be overly prescribed in legislative language, the examination issue is bound to come up during legislative hearings. Persons presenting testimony should be prepared to deal with the issue forthrightly, based on previous discussions and a consensus position of the state committee.

7.2 SUPERVISED EXPERIENCE

THE PROFESSIONAL COUNSELOR LICENSING BOARD IN ITS RULES AND REGULATIONS SHALL ESTABLISH CRITERIA FOR DETERMINING ACCEPTABLE SUPERVISED EXPERIENCE.

Comment: The Committee is aware that problems may develop in establishing acceptable criteria for supervised experience. The Committee recommends that the Board seek assistance from appropriate professional organizations for developing criteria generally uniform and accepted within the profession. Such criteria should be sufficiently broad in scope to accommodate a variety of experiences. The Committee believes that these experiences should not be limited to formal practica or internships.

The Committee suggests that supervision requires regular face-to-face conferences with a licensed or licensable counselor or other appropriate mental health professional approved by the Board. The supervisor should have appropriate experience in the area being supervised. Again, specific supervision crieria should not be addressed in legislative language, but should be spelled out in Board regulations. As is the case with the examination issue, however, it is recommended that state committees discuss such criteria thoroughly and reach consensus so that if questions related to supervision arise in a legislative hearing, the responses will be both uniform and defensible.

7.3 EXAMINATIONS

THE PROFESSIONAL COUNSELOR LICENSING BOARD SHALL MAKE SPECIFIC PROVISIONS FOR EXAMINATION OF APPLICANTS FOR LICENSURE AT LEAST ONCE EACH YEAR.

Comment: The committee believes that national standardized examinations in counseling should be established and required of all applicants for licensing. Such examinations would not be competency examinations as such, but would rather demonstrate that applicants have sufficient understanding of counseling to warrant the Board's consideration for licensing. A uniform application of the examination would help to protect the Board against charges of unfair discrimination. As stated previously, careful attention must be given to the development of any instrument so that it does not discriminate unfairly against any group and that it has validity in terms of the practice of counseling. The Committee is aware of at least three standardized examinations that are presently being used by state counselor licensing boards.

States should give special consideration to the case of applicants with current certification from nationally recognized specialty boards such as the Commission on Rehabilitation Counselor Certification (CRCC) and the National Academy of Certified Clinical Mental Health Counselors (NACCMHC). The national credentialing examinations which are a part of these certification procedures have been developed to go beyong generic counseling. It would appear redundant for persons already certified in a counseling specialty to have to duplicate examinations on the state level for licensing. State Boards should seriously consider accepting counselors certified by specialty boards as licensed professional counselors with the appropriate specialty endorsement without further examination. Obviously such persons' national status should be verified to ensure that they are in good standing with the specialty board. These bodies have documented that their standards and criteria are at least equivalent to and in some cases go beyond recommended standards for state licensure laws.

While the Board's evaluation of an applicant's credentials is a routine procedure, the Committee believes that the Board should establish and publish criteria for the evaluation of applicant credentials. The Committee also urges that states consider the development of performance examinations as a necessary adjunct to the written examination.

An appeal procedure following an adverse ruling by the Board should be built into the licensure legislation. The appeal procedure should be set up so that the licensing board is not the final authority. In some states such an appeals board already exists to handle these matters. If there is no such board in your state then the licensure legislation should include the establishment of an appeal board.

7.4 ASSOCIATE LICENSE

THE BOARD SHALL ISSUE AN ASSOCIATE LICENSE FOR A PERIOD OF UP TO THREE (3) YEARS TO EACH APPLICANT WHO FILES AN APPLICATION UPON A FORM AND IN SUCH MANNER AS THE BOARD PRESCRIBES ACCOMPANIED BY SUCH FEE AS THE BOARD SHALL REQUIRE, AND WHO FURNISHES SATISFACTORY EVIDENCE TO THE BOARD OF THE FOLLOWING:

(a) THAT THE APPLICANT HAS RECEIVED A MASTER'S DEGREE FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION, WHICH IS PRIMARILY COUNSELING IN CONTENT AND WHICH MEETS THE ACADEMIC AND TRAINING CONTENT STANDARDS ESTABLISHED BY THE BOARD, OR THE SUBSTANTIAL EQUIVALENT IN BOTH SUBJECT MATTER AND EXTENT OF TRAINING. THE LICENSED ASSOCIATE COUNSELOR MAY NOT PRACTICE WITHOUT DIRECT SUPERVISION. THE PLAN FOR SUPERVISION OF THE LICENSED ASSOCIATE COUNSELOR IS TO BE APPROVED BY THE BOARD PRIOR TO ANY ACTUAL PERFORMANCE OF COUNSELING BY THE LICENSED ASSOCIATE COUNSELOR;

(b) THAT THE APPLICANT HAS DEMONSTRATED HIS OR HER KNOWLEDGE OF THE FIELD OF COUNSELING IN GENERAL BY PASSING AN EXAMINATION, WRITTEN AND/OR ORAL AND/OR SITUATIONAL, AS THE BOARD WILL PRESCRIBE. UPON EXAMINATION OF CREDENTIALS THE BOARD MAY, BY A MAJORITY OF THE BOARD MEMBERS PRESENT AND VOTING, CONSIDER SUCH CREDENTIALS ADEQUATE EVIDENCE OF PROFESSIONAL COMPETENCE, AND RECOMMEND TO THE CHAIRPERSON OF THE BOARD THAT AN ASSOCIATE LICENSE BE APPROVED;

(c) THAT THE APPLICANT HAS COMPLIED WITH PROVISIONS OUTLINED IN SECTION 7.1 (a), (b), (c), and (d) OF THIS ACT;

(d) ANY LICENSED ASSOCIATE COUNSELOR AFTER MEETING THE REQUIREMENTS SPECIFIED IN SECTION 7.1 (f) and (g) WILL BE ISSUED A LICENSE AS A LICENSED PROFESSIONAL COUNSELOR UPON APPLICATION TO THE BOARD;

Comment: A provision for associate licensure should be built into state legislation in order to provide an opportunity for persons to practice counseling under appropriate supervision while they are completing the required three years of supervised experience, and prior to becoming fully licensed.

7.5 SPECIALTY DESIGNATION

A PROFESSIONAL SPECIALTY DESIGNATION MAY BE ADDED TO THE LICENSED PROFESSIONAL COUNSELOR'S CREDENTIAL ISSUED BY THE BOARD UPON DEMONSTRATION TO THE BOARD THAT THE APPLICANT HAS MET THE RECOGNIZED MINIMUM STANDARDS AS ESTABLISHED BY NATIONALLY RECOGNIZED CERTIFICATION AGENCIES. UPON RECEIPT OF CREDENTIALS FROM THE APPROPRIATE CERTIFICATION AGENCY THE BOARD MAY, BY A MAJORITY OF THE BOARD MEMBERS PRESENT AND VOTING, CONSIDER SUCH CREDENTIALS ADEQUATE EVIDENCE OF PROFESSIONAL COMPETENCE AND RECOMMEND TO THE CHAIRPERSON OF THE BOARD THAT THE APPLICANT BE LICENSED AS A PROFESSIONAL COUNSELOR WITH THE APPROPRIATE SPECIALTY DESIGNATION WITHOUT FURTHER EXAMINATION. A PROFESSIONAL COUNSELOR CANNOT CLAIM OR ADVERTISE A COUNSELING SPECIALTY AND CANNOT INCORPORATE THE SPECIALTY DESIGNATION INTO HIS OR HER PROFESSIONAL TITLE, UNLESS THE QUALIFICATIONS OF THAT SPECIALTY HAVE BEEN MET AND THE COUNSELOR'S COMPETENCE IN THE SPECIALTY APPROVED BY THE BOARD. WITHIN LIMITS OF ETHICAL PRACTICE AND IN CONFORMITY WITH BOTH THE STATEMENT OF PROFESSIONAL INTENT AND THE STATEMENT OF PROFESSIONAL DISCLOSURE ON FILE WITH THE BOARD, A LICENSED PROFESSIONAL COUNSELOR MAY RENDER SERVICES OF AN APPROPRIATE NATURE WITHOUT SPECIALTY DESIGNATION.

Comment: The Committee recommends that when desirable, state professional counselor licensing boards establish requirements for certifying or licensing persons of special competence for areas of practice within the field of counseling. Examples of national certifying agencies whose standards may be incorporated as specialty designation procedures are CRCC and NACCMHC. The recommended procedure in effect permits applicants who already hold such credentials to bypass the regular procedure and to become licensed at the specialty level upon payment of required fees, filing statements of professional intent and professional disclosure, and sitting for an oral examination.

8. RENEWAL OF LICENSE AND CONTINUING EDUCATION

COUNSELORS LICENSED UNDER THIS ACT SHALL BE REQUIRED TO SUBMIT BIENNIALLY AT THE TIME OF RENEWAL, A LICENSE RENEWAL FEE TO BE ESTABLISHED BY THE BOARD. NO LICENSE SHALL BE RENEWED UNLESS THE RENEWAL REQUEST IS ACCOMPANIED BY EVIDENCE SATISFACTORY TO THE BOARD OF THE COMPLETION DURING THE PREVIOUS TWENTY-FOUR (24) MONTHS OF RELEVANT PROFESSIONAL CONTINUING EDUCATION EXPERIENCE. THE RELEVANT EXPERIENCE REQUIRED SHALL BE SENT IN WRITING TO ALL LICENSED COUNSELORS ONE (1) YEAR PRIOR TO THE RENEWAL DATES.

Comment: Current social and political pressures are increasingly mandating continuing professional education experiences to ensure that licensed professionals are maintaining and upgrading their skills in the professional practices.

The Committee recognizes that state legislative activity, particularly in relation to medical malpractice problems has already established precedent for the above recommendation. In addition, federal regulations relating to professional care being provided individuals under Medicare, Medicaid, Social Security and other federal programs are requiring increasingly tighter control of individual professionals in their practice.

If counseling is to achieve and maintain professional status, professional counselor licensing boards will find it absolutely necessary to support continuing education for counselors. The Committee suggests that the necessity for continuing education be made part of the legislation with the more specific criteria and requirements being developed by board regulations. Boards are urged to seek assistance from appropriate professional organizations.

9. RECIPROCITY

THE BOARD MAY AT ITS DISCRETION WAIVE FORMAL EXAMINATION REQUIREMENTS OF AN APPLICANT, PROVIDED THAT SUCH APPLICANT IS LICENSED OR CERTIFIED TO PRACTICE COUNSELING BY A SIMILAR BOARD IN ANOTHER STATE AND, FURTHER PROVIDED, THAT IN THE OPINION OF THE BOARD, THE STANDARDS AND QUALIFICATIONS REQUIRED FOR THE PRACTICE OF COUNSELING IN THE APPLICANT'S LICENSING STATE ARE AT LEAST EQUAL TO THOSE REQUIRED BY THIS ACT. THE BOARD HAS THE POWER TO WAIVE FORMAL EXAMINATION REQUIREMENTS ONLY AND DOES NOT HAVE THE POWER TO WAIVE ANY REQUIRED PERIOD OF SUPERVISED EXPERIENCE AS PROVIDED IN THIS ACT.

10. PRIVILEGED COMMUNICATION

FOR THE PURPOSE OF THIS ACT THE CONFIDENTIAL RELATIONS AND COMMUNICATIONS BETWEEN A LICENSED COUNSELOR AND HIS OR HER CLIENTS ARE PLACED UPON THE SAME BASIS AS THOSE PROVIDED BY STATUTE BETWEEN AN ATTORNEY AND HIS OR HER CLIENTS. NOTHING IN THIS ACT SHALL BE CONSTRUED TO REQUIRE THAT ANY SUCH PRIVILEGED COMMUNICATION BE DISCLOSED.

> Comment: The Committee fully understands the responsibility which this section places on the counselor but believes that this protection for the client is absolutely necessary to guarantee the viability of the counseling relationship. The Committee also recognizes the possibility of the rare incident of a client divulging an intent to commit a dangerous act, but we maintain that the licensed counselor's obligation to handle such matters in an ethically responsible way is essential to his or her ability to render adequate help to clients.

11. PROTECTION OF THE PUBLIC

11.1 UNLAWFUL PRACTICE

PERSONS WHO REPRESENT THEMSELVES BY THE TITLE "LICENSED PROFESSIONAL COUNSELOR" OR "LICENSED COUNSELOR" OR ENGAGE IN THE

PRACTICE OF COUNSELING WITHOUT HAVING FIRST COMPLIED WITH THE PROVISIONS OF THIS ACT SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL BE PUNISHED BY A FINE OF NOT LESS THAN $500 NOR MORE THAN $1000 FOR EACH OFFENSE AND IN ADDITION MAY BE IMPRISONED FOR A TERM NOT TO EXCEED TWELVE (12) MONTHS. ALL CLIENT FEES RECEIVED FOR SUCH SERVICES SHALL BE REFUNDED.

Comment: Counselor licensure legislation should contain provisions which provide the appropriate sanctions for the unlawful use of the title "Licensed Professional Counselor" and/or the unlawful practice of counseling as defined in the act.

11.2 ETHICAL VIOLATIONS

THE BOARD SHALL HAVE THE POWER TO SUSPEND OR REVOKE THE LICENSE OF ANY PERSON LICENSED BY THE BOARD AND FOUND GUILTY IN VIOLATING ANY ETHICAL OR PROFESSIONAL STANDARD. THE SANCTION OF SUSPENSION UPON ORDER OF THE BOARD SHALL NOT BE FOR A PERIOD GREATER THAN SIX (6) MONTHS AND ANY LICENSEE THEREBY SANCTIONED SHALL NOT BE ALLOWED TO PRACTICE COUNSELING IN THIS STATE UNTIL THE TERMINATION OF THE SUSPENSION PERIOD AND SUBSEQUENT TIMELY REVIEW BY THE BOARD. THE SANCTION OF REVOCATION UPON ORDER OF THE BOARD SHALL BE FOR A PERIOD OF AT LEAST THREE (3) YEARS AND A PERSON WHOSE LICENSE HAS BEEN REVOKED MAY NOT APPLY FOR REINSTATEMENT UNTIL AT LEAST THREE (3) YEARS FROM THE DATE SUCH REVOCATION IS LEGALLY EFFECTIVE. THE BOARD MAY, UPON FAVORABLE ACTION BY A MAJORITY OF THE MEMBERS PRESENT AND VOTING, RECOMMEND SUCH REINSTATEMENT.

12. EXEMPTIONS

12.1 EXEMPTION OF OTHER PROFESSIONS

NOTHING IN THIS ACT SHALL BE CONSTRUED TO APPLY TO THE ACTIVITIES

AND SERVICES OF QUALIFIED MEMBERS OF OTHER PROFESSIONS, SUCH AS PHYSICIANS, PSYCHOLOGISTS, REGISTERED NURSES, OR SOCIAL WORKERS PERFORMING COUNSELING CONSISTENT WITH THE LAWS OF THIS STATE, THEIR TRAINING, AND ANY CODE OF ETHICS OF THEIR PROFESSIONS, PROVIDED THEY DO NOT REPRESENT THEMSELVES BY ANY TITLE OR DESCRIPTION IN THE MANNER PRESCRIBED IN SECTION 6 OF THIS ACT.

12.2 EXEMPTION OF GOVERNMENT EMPLOYEES

NOTHING IN THIS ACT SHALL BE CONSTRUED TO APPLY TO THE ACTIVITIES, SERVICES AND USE OF AN OFFICIAL TITLE ON THE PART OF A PERSON EMPLOYED AS A COUNSELOR BY ANY FEDERAL, STATE, COUNTY, OR MUNICIPAL AGENCY; OR PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, PROVIDED SUCH PERSONS ARE PERFORMING COUNSELING OR COUNSELING-RELATED ACTIVITIES WITHIN THE SCOPE OF THEIR EMPLOYMENT.

12.3 EXEMPTION OF GRADUATE STUDENTS AND TRAINEES

NOTHING IN THIS ACT SHALL BE CONSTRUED TO APPLY TO THE ACTIVITIES AND SERVICES OF A STUDENT, INTERN, OR TRAINEE IN COUNSELING PURSUING A COURSE OF STUDY IN COUNSELING IN A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION OR TRAINING INSTITUTION, IF THESE ACTIVITIES ARE PERFORMED UNDER SUPERVISION AND CONSTITUTE A PART OF THE SUPERVISED COURSE OF STUDY, PROVIDED THAT SUCH A PERSON BE DESIGNATED A "COUNSELOR INTERN."

12.4 EXEMPTION OF NON-RESIDENTS

NOTHING IN THIS ACT SHALL BE CONSTRUED TO APPLY TO THE ACTIVITIES AND SERVICES OF A NON-RESIDENT PERSON RENDERED NOT MORE THAN THIRTY (30) DAYS DURING ANY CALENDAR YEAR, PROVIDED THAT SUCH A PERSON IS DULY AUTHORIZED TO PERFORM SUCH ACTIVITIES AND SERVICES UNDER THE LAWS OF THE STATE OR COUNTY OF HIS OR HER RESIDENCE.

12.5 EXEMPTION OF CLERGY

NOTHING IN THIS ACT SHALL BE CONSTRUED TO APPLY TO THE ACTIVITIES AND SERVICES OF A RABBI, PRIEST, MINISTER, OR CLERGYPERSON OF ANY RELIGIOUS DENOMINATION OR SECT, PROVIDED SUCH ACTIVITIES AND SERVICES ARE WITHIN THE SCOPE OF THE PERFORMANCE OF HIS OR HER REGULAR OR SPECIALIZED MINISTERIAL DUTIES AND FOR WHICH NO SEPARATE CHARGE IS MADE, OR WHEN SUCH ACTIVITIES ARE PERFORMED, WITH OR WITHOUT CHARGE, FOR OR UNDER AUSPICES OR SPONSORSHIP, INDIVIDUALLY OR IN CONJUNCTION WITH OTHERS, OF AN ESTABLISHED AND LEGALLY COGNIZABLE CHURCH, DENOMINATION, OR SECT, AND WHEN THE PERSON RENDERING SERVICE REMAINS ACCOUNTABLE TO THE ESTABLISHED AUTHORITY THEREOF.

12.6 EXEMPTION OF VOLUNTEER WORKERS

NOTHING IN THIS ACT SHALL BE CONSTRUED TO APPLY TO THE ACTIVITIES, SERVICES, TITLES AND DESCRIPTIONS OF PERSONS EMPLOYED, AS PROFESSIONALS OR AS VOLUNTEERS, IN THE PRACTICE OF COUNSELING FOR PUBLIC AND PRIVATE NON-PROFIT ORGANIZATIONS OR CHARITIES.

13. LICENSE WITHOUT EXAMINATION ("GRANDFATHER" CLAUSE)

DURING THE FIRST SIX (6) MONTHS FOLLOWING THE EFFECTIVE DATE OF THIS ACT THE BOARD WILL ISSUE TO ANY PERSON UPON APPLICATION THE LICENSE OF LICENSED PROFESSIONAL COUNSELOR, PROVIDED THAT THE APPLICANT MEETS THE REQUIREMENTS OF SECTION 7.1 (a), (b), (c), (d), and (e) OF THIS ACT AND FURTHER PROVIDED THAT THE BOARD SHALL HAVE THE POWER TO CONSIDER EXPERIENCE OF THE APPLICANT PRIOR TO APPLICATION FOR LICENSURE AS A WAIVER OF ALL OR PART OF THE SUPERVISED EXPERIENCE REQUIREMENT OF SECTION 7.1 (f) AND FURTHER PROVIDED THAT IF THE PRIOR EXPERIENCE OF THE APPLICANT DOES NOT MEET

ALL REQUIREMENTS OF SECTION 7.1 (f) THEN THE APPLICANT WILL BE ISSUED THE LICENSE OF LICENSED ASSOCIATE COUNSELOR WITH ACCEPTABLE EXPERIENCE CREDITED TOWARD THE EXPERIENCE REQUIREMENTS OF SECTION 7.1 (f) OF THIS ACT. THE BOARD SHALL ALSO REQUIRE SUCH APPLICANTS TO FILE A STATEMENT OF PROFESSIONAL INTENT AS DESCRIBED IN SECTION 7.1 (g) AND A STATEMENT OF PROFESSIONAL DISCLOSURE AS DESCRIBED IN SECTION 14. THE BOARD SHALL WAIVE WRITTEN EXAMINATION OF SUCH APPLICANTS, BUT MAY REQUIRE ORAL AND/OR SITUATIONAL EXAMINATIONS.

Comment: "Grandfather" clauses are generally a necessary provision in the enactment of any new legislation regulating a profession. Legislators are frequently, if not universally, very sensitive to passing any legislation which would deny a person his or her right to earn a living, particularly if that person has been gainfully employed in that activity prior to the enactment of the legislation. This usually means that for a period of time following enactment some individuals will be licensed who do not necessarily meet the education, training, or supervisory criteria which are required following the expiration of the "grandfathering" period. The language recommended here is based upon the Arkansas law, and is considered to be "limited grandfathering," in that persons must still possess the educational qualifications, although the requirements for supervised experience are relaxed somewhat. It is also desirable that the "grandfathering" period be kept as short as possible; six months is recommended, but some states may have to extend the period to one year or more, depending on political considerations.

14. PROFESSIONAL DISCLOSURE

NO LICENSED PROFESSIONAL COUNSELOR OR LICENSED ASSOCIATE COUNSELOR AND NO PERSON OR AGENCY THAT EMPLOYS A LICENSED PROFESSIONAL COUNSELOR OR LICENSED ASSOCIATE COUNSELOR SHALL CHARGE ANY CLIENT A FEE FOR COUNSELING SERVICES UNLESS, PRIOR TO PERFORMANCE OF THE SERVICE, THE COUNSELOR FURNISHES THE CLIENT WITH A COPY OF A STATEMENT OF PROFESSIONAL DISCLOSURE. SUCH STATEMENT SHALL BE CONSISTENT WITH THE COUNSELOR'S STATEMENT OF PROFESSIONAL INTENT AND

A CURRENT COPY SHALL BE ON FILE WITH THE BOARD AT ALL TIMES.

Comment: The statement should include such information as name, business address and telephone number, philosophy of counseling, formal education and training, competency areas, continuing education, fee schedule, and the name, address, and telephone number of the Board or state government agency regulating the practice of counseling. Board regulations should provide for review of the statement of professional disclosure to ensure consistency with the statement of professional intent, with counseling specialties claimed by the applicant, and with the Board's Code of Ethics, prior to the actual issuance of the license. Regulations should further provide for denial, suspension, or revocation of the license, or for reprimand of the counselor, for willful failure to file or for willful filing of a false or incomplete statement of professional disclosure.

15. SEVERABILITY CLAUSE

THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY PART OF THE ACT IS DECLARED INVALID OR UNCONSTITUTIONAL, SUCH A DECLARATION SHALL NOT AFFECT THE PARTS THAT REMAIN.

Comment: A counselor licensure bill must include a severability clause. If a bill does not include such a clause, the entire law is at risk of revocation if one part of it is declared unconstitutional. A severability clause permits a particular part of the law to be challenged and declared unconstitutional without affecting the entire law.

16. REPEALER CLAUSE

ALL LAWS OR PARTS OF LAWS WHICH CONFLICT WITH THIS ACT ARE HEREBY REPEALED.

Comment: A clause such as this is simply "insurance" against some obscure statute somehow taking precedence over the provisions of the counselor licensure law.

17. "SUNSET" CLAUSE

THIS ACT SHALL STAND REPEALED (date ten years from effective date) UNLESS REVIEWED AND RE-ENACTED BY THE LEGISLATURE PRIOR TO THAT DATE.

Comment: Such a clause should be included only if your state has an ongoing "sunset" review process which evaluates the effectiveness of regulatory boards. If there is no "sunset" procedure, do not include such a clause in your bill.

18. EFFECTIVE DATE

THIS ACT SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE AND APPROVAL BY THE GOVERNOR.

PROFESSIONAL DISCLOSURE

The APGA Licensure Committee, in Section 14 of the Suggested Legislative Language, recommends that professional disclosure be included in state licensure bills as an integral part of the regulatory process. Professional disclosure is seen as an important consumer protection element in counselor licensure, rather like a professional "truth-in-packaging" provision. See the comment following Section 14 for a more complete discussion, as well as the articles on professional disclosure listed in the references (e.g., Gill, 1982; Gross, 1977; Witmer, 1978). The following is an example of a professional disclosure statement.

(LETTERHEAD)

Milton H. Counselor, Ed.D.
333 Maple Street
Littletown, Alabama 36501
(205) 555-5347
Hours by Appointment

STATEMENT OF PROFESSIONAL DISCLOSURE

Ed.D., Counseling--Bigname State University, 1981
M.A., Group Communication/Psychology--Bigname State University. 1973
B.S., Psychology--Bigname State University, 1972

Certified Clinical Mental Health Counselor, 1980, Certificate #609
Licensed Professional Counselor, 1980, License #576

Philosophical Base

I lean toward a cognitive approach which emphasizes cognitive restructuring to alter affective states. This means that the way we feel and the way we behave are directly related to how and what we are thinking. The past and the future are not as important as living one's life to the fullest in the present. I view counseling as a process by which I facilitate my clients in exploration, clarification, and identification of their needs and help them make changes in their behavior that will result in the attainment of life satisfaction and self-acceptance.

Therapeutic Approach

I use an eclectic therapeutic approach. This means that I utilize many different techniques in responding to the needs of my clients. In individual counseling this translates into helping persons focus their awareness on strengths rather than liabilities. Clients are encouraged to accept responsibility for initiating and maintaining change in their lives as those changes are identified through the counseling process. In marriage counseling, I focus on developing a healthy independence and interdependence. This is accomplished by using techniques that help to develop self-awareness as well as improving the communication skills of both partners. I view group counseling as an adjunct to individual counseling rather than as a substitute for it. In my work in family counseling and the management of behavioral problems of children, I use an approach that involves encouragement, rational thinking, logical consequences, understanding misdirected goals, and improved parent-child communication. In all cases, I stress the effect of cognition on behavior and emotions and the need to develop control over this function.

Areas of Competency

Individual counseling
Marriage counseling
Family counseling
Group counseling
Counseling the bereaved or dying
Drug abuse counseling
Career counseling
Values clarification and life planning
Organization development
Biofeedback and relaxation training

Ethical Standards

I subscribe to the codes of ethics of the following organizations. Copies are available to and will be discussed with client upon request.

American Personnel and Guidance Association
American Mental Health Counselors Association
National Academy of Certified Clinical Mental Health Counselors
Alabama Board of Examiners in Counseling

Professional Memberships

American Personnel and Guidance Association
American Mental Health Counselors Association
Association for Specialists in Group Work
Alabama Personnel and Guidance Association
Alabama Mental Health Counselors Association

Fees

Individual, marriage, or family counseling	$45 per session
Group counseling	$25 per session
Career counseling	Fees vary according to tests and services required.

(Ordinarily the above fee schedule will apply. Please feel free to discuss fees and special circumstances regarding fee payments at our first session.)

Please discuss any concerns about the counseling services you receive with me. If these concerns cannot be resolved between us, contact the Alabama Board of Examiners in Counseling, c/o Donald Schmitz, Chairman, Jacksonville State University, Jacksonville, AL 36265, or National Academy of Certified Clinical Mental Health Counselors, Two Skyline Place, Suite 400, 5203 Leesburg Pike, Falls Church, VA 22041.

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APPENDICES

The Appendices contain the counselor licensure laws of Texas (1981), Florida (1981), and Idaho (1982), the counselor registration law of North Carolina (1983), and Licensure in the Helping Professions, the 1974 position statement of the APGA Board of Directors and Senate that launched the counselor licensure movement. For copies of the licensure laws of Virginia (1976), Arkansas (1979), and Alabama (1979), see Warner, Brooks, and Thompson, Counselor Licensure: Issues and Perspectives, available from APGA Publication Sales.

SENATE BILL 606

An act

relating to regulation of professional counselors; creating the Texas State Board of Examiners of Professional Counselors and providing for its powers and duties; providing a penalty.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Short Title. This Act may be cited as the Licensed Professional Counselor Act.

Section 2. Definitions. In this Act:

(1) "Licensed professional counselor" means a person who represents himself to the public by any title or description of services incorporating the words "Licensed Counselor," who offers to render professional counseling services in private practice to individuals, groups, organizations, corporations, institutions, government agencies, or the general public for compensation, implying that he is licensed and trained, experienced, or expert in counseling, and who holds a valid license to engage in the private practice of counseling.

(2) "Board" means the Texas State Board of Examiners of Professional Counselors.

(3) "Department" means the Texas Department of Health.

(4) "Applicant" means an individual who seeks licensing under this Act.

(5) "Graduate semester hour" means a semester hour or the quarter hour equivalent as defined by regional accrediting educational associations when applied only to domestic training programs.

(6) "Counseling services" means those acts and behaviors coming within the meaning of the private practice of counseling.

(7) "Private practice of counseling" means rendering or offering to render to individuals, groups, organizations, or the general public counseling services, in private practice for compensation, involving the application of principles, methods, or procedures of the counseling profession that include but are not restricted to:

(A) "counseling" which means assisting an individual or groups, through the counseling relationship, to develop understanding of personal problems, to define goals, and to plan action reflecting an individual's or group's interests, abilities, aptitudes, and needs as they are related to personal-social concerns, educational progress, and occupations and careers;

(B) "appraisal activities" which means selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, and personal characteristics but does not include the use of projective techniques in the assessment of personality;

(C) "counseling, guidance, and personnel consulting" which means interpreting or reporting on scientific fact or theory in counseling, guidance, and personnel services to provide assistance in solving some current or potential problems of individuals, groups, or organizations;

(D) "referral activities" which means the evaluating of data to identify problems and to determine advisability of referral to other specialists; and

(E) "research activities" which means the designing, conducting, and interpreting of research with human subjects.

Section 3. Exemptions. This Act does not apply to:

(1) the activities and services of or use of an official title by a person employed as a counselor by a federal, state, county, or municipal agency or public or private educational institution, provided the person is performing counseling or counseling-related activities within the scope of his employment;

(2) the activities and services of a student, intern, or trainee in counseling pursuing a course of study in counseling in a regionally accredited institution of higher education or training institution, if these activities and services constitute a part of the supervised course of study, provided that the person is designated a "counselor intern";

(3) the activities and services of a nonresident rendered not more than 30 days during any year, provided the person is authorized to perform the activities and services under the law of the state or country of his residence;

(4) the activities and services of licensed members of other professions, such as physicians, registered nurses, psychologists, social psychotherapists, licensed optometrists in the evaluation and remediation of learning or behavioral disabilities associated with or caused by a defective or abnormal condition of vision. Christian Science practitioners who are recognized by the Church of Christ Scientist as registered and published in the Christian Science Journal, or other recognized religious practitioners performing counseling consistent with the law of the state, their training, and any code of ethics of their professions, provided they do not represent themselves by any title or description in the manner prescribed by Section 2 of this Act;

(5) the activities, services, titles, and descriptions of persons licensed to practice law; or

(6) the activities, services, titles, and descriptions of persons employed as professionals or as volunteers in the practice of counseling for public or private nonprofit organizations or charities.

Section 4. Nature and Composition of Board. (a) The Texas State Board of Examiners of Professional Counselors is created.

(b) The board is composed of nine members appointed by the governor with the advice and consent of the senate.

(c) Not later than the 30th day after the effective date of this Act, the executive committee of the Texas Personnel and Guidance Association shall submit to the governor a list of qualified candidates for the board, including the names of four qualified counselor educators and 12 qualified practicing counselors. Not later than the 60th day after the date the list is received, the governor shall select from the list the membership of the board consisting of one counselor educator and four counselors in private practice. The governor shall appoint four citizens from the general public who have no direct or indirect affiliation with the practice of counseling or delivery of mental health services.

(d) Except for the initial appointees, members hold office for staggered terms of six years, with three members' terms expiring February 1 of each odd-numbered year. In making an appointment, the governor shall specify which member each new appointee succeeds. Before entering on the duties of his office, each member of the board shall take the constitutional oath of office and file it with the secretary of state.

(e) A member of the board or an employee of the board or of the department that carries out the functions of the board may not:

(1) be an officer, employee, or paid consultant of a trade association in the counseling services industry;

(2) be related within the second degree by affinity or within the third degree by consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the counseling services industry; or

(3) communicate directly or indirectly with a party or the party's representative to a proceeding pending before the board unless notice and an opportunity to participate are given to each party to the proceeding if the member or agent is assigned to make a decision, a finding of fact, or a conclusion of law in the proceeding.

(f) A member of the board who is the designated representative of the general public may not have personally, nor be related to a person within the second degree by affinity or third degree by consanguinity who has, except as a consumer, a financial interest in counseling services as an officer, director, partner, owner, employee, attorney, or paid consultant.

(g) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-0c, Vernon's Texas Civil Statutes), may not serve as a member of the board or act as the general counsel to the board.

Section 5. Board Member Qualifications. (a) To be qualified for appointment as a professional member of the board, a person must:

(1) be a citizen of the United States and a resident of this state for the 30 months immediately preceding appointment;

(2) have engaged in the field of counseling for at least 24 months or 2,000 hours;

(3) be licensed under this Act, except that an initial appointee to the board must, instead of being licensed under this Act, meet the requirements of Section 9 of this Act except that he must possess a graduate degree, 30 graduate semester hours in the field of counseling or its equivalent, and have engaged in the field of counseling for at least 24 months or 2,000 hours after the granting of a graduate degree; and

(4) be appointed in accordance with Section 4 of this Act.

(b) To be qualified for appointment as a member who is a representative of the general public, a person must:

(1) be a citizen of the United States and a resident of this state for the 30 months immediately preceding appointment; and

(2) be at least 18 years old.

(c) It is a ground for removal from the board if a member:

(1) does not have at the time of appointment the qualifications required by Subsection (a) or (b) of this section, as appropriate, for

appointment to the board;

(2) does not maintain during the service on the board the qualifications required by Subsection (a) or (b) of this section, as appropriate, for appointment to the board; or

(3) violates a prohibition established by Subdivision (1) or (2) of Subsection (e) of Section 4 of this Act.

(d) The validity of an action of the board is not affected by the fact that it was taken when a ground for removal of a member of the board existed.

Section 6. Board Responsibilities. (a) The board shall meet not later than the 30th day after the day its members are appointed by the governor. The board shall elect a chairman and a vice-chairman who shall hold office according to the rules adopted by the board.

(b) The board shall hold at least two regular meetings each year as provided by rules adopted by the board and approved by the department. Five members constitute a quorum.

(c) The board may delegate functions and activities required by this Act to individuals and committees on a permanent or temporary basis if a quorum of the board agrees to the delegation and if the delegates clearly possess the professional and personal qualifications to act as delegates of the board.

(d) The board shall keep an information file about each complaint filed with the board. If a written complaint is filed with the board relating to a licensee under this Act, the board, at least as frequently as quarterly and until the complaint is finally disposed of, shall notify the complainant of the status of the complaint.

(e) The board shall:

(1) determine the qualifications and fitness of applicants for licenses, renewal of licenses, and reciprocal licenses;

(2) adopt and revise, with the approval of the department, rules not inconsistent with the law of this state that are necessary to administer this Act. However, the board may not adopt rules restricting competitive bidding or advertising by licensees except to prohibit false, misleading, or deceptive practices. The board may not include in its rules to prohibit false, misleading, or deceptive practices by licensees a rule that:

(A) restricts a licensee's use of any medium for advertising;

(B) restricts a licensee's personal appearance or use of his personal voice in an advertisement;

(C) relates to the size or duration of an advertisement by a licensee; or

(D) restricts a licensee's advertisement under a trade name;

(3) adopt and publish a code of ethics and adopt an official seal;

(4) examine for, deny, approve, issue, revoke, suspend, and renew licenses of counselor applicants and licensees under this Act and conduct hearings in connection with these actions;

(5) conduct hearings on complaints concerning violations of this Act and the rules adopted under this Act and cause the prosecution and enjoinder of the violations;

(6) expend money necessary for the proper administration of its assigned duties;

(7) set fees with the approval of the department for the board's

services in amounts that are sufficient to meet the expenses of administering this Act;

(8) request and receive the assistance of state educational institutions or other state agencies; and

(9) prepare information of consumer interest describing the regulatory functions of the board and describing the board's procedures by which consumer complaints are filed with and resolved by the board. The board shall make the information available to the general public and appropriate state agencies.

Section 7. Reimbursements for Board Members. A member of the board may not receive a fixed salary for his services, but each member is entitled to a per diem as set by legislative appropriation for each day that the member engages in the business of the board. A member may not receive any compensation for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to compensation for transportation expenses as provided by the General Appropriations Act.

Section 8. Board Personnel. (a) The executive secretary must be an employee of the department. The Commissioner of Health, after consulting with the board, shall designate an employee to serve as executive secretary of the board. The executive secretary shall be the administrator of the professional counselor licensing activities for the board. In addition to his other duties prescribed by this Act and by the department, the executive secretary shall:

(1) keep full and accurate minutes of the transactions and proceedings of the board;

(2) be the custodian of the files and records of the board;

(3) prepare and recommend to the board plans and procedures necessary to implement the purposes and objectives of this Act, including rules and proposals on administrative procedures not inconsistent with this Act;

(4) exercise general supervision over persons employed by the department in the administration of this Act;

(5) be responsible for the investigation of complaints and for the presentation of formal complaints;

(6) attend all meetings of the board, but the executive secretary is not entitled to vote at board meetings; and

(7) handle or arrange for the handling of the correspondence of the board, make or arrange for necessary inspections and investigations, and obtain, assemble, or prepare the reports and information that the board may direct or authorize.

(b) The basic personnel and necessary facilities that are required to administer this Act shall be the personnel and facilities of the department acting as the agents of the board. The department may secure by agreement services that it considers necessary and provide for compensation for these services and may employ and compensate, within appropriations available, the professional consultants, technical assistants, and employees on a full- or part-time basis necessary to administer this Act.

Section 9. Initial Licensing Period. (a) For one year beginning on the effective date of this Act, a person may apply for licensing without examination, except that if the board cannot establish competence to its satisfaction through an examination of credentials, it may require examination of an applicant under the initial licensing period. For the initial licensing period, an applicant must:

(1) be at least 18 years old;

(2) have submitted a completed application as required by the board accompanied by the application fee set by the board; the board may require that the statements on the application be made under oath; and

(3) have

(A) a master's degree

(B) at least 30 graduate semester hours in the field of counseling or the substantial equivalent in both subject matter and extent of training; and

(C) 24 months or 2,000 hours of professional experience working in a counseling setting that meets the requirements established by the board.

(b) For two years beginning on the effective date of this Act, a person may apply for licensing in a counseling specialty authorized by Section 13 of this Act without examination, except that if the board cannot establish competence to its satisfaction through an examination of credentials, it may require examination of an applicant under the initial licensing period. For the initial licensing period an applicant must:

(1) meet the requirements prescribed by Subsection (a) of this section; and

(2) have attained professional credentials consistent with the standards of the counseling specialty required by Section 13 of this Act.

Section 10. Applicant Qualifications. An applicant is qualified for a license to practice counseling if the applicant:

(1) is at least 18 years old;

(2) has submitted an application as required by the board, accompanied by the application fee set by the board; the board may require that the statements on the application be made under oath;

(3) has met requirements prescribed by the board;

(4) has successfully completed at a regionally accredited institution of higher education a planned graduate program of 45 semester hours or the substantial equivalent, including 300 clock hours of supervised practicum that is primarily counseling in nature and that meets the specific academic course content and training standards established by the board. The board shall use the standards as developed by the appropriate professional association; and

(5) has 24 months or 2,000 hours of supervised experience working in a counseling setting that meets the requirements established by the board.

Section 11. Application Review. After investigation of the application and other evidence submitted, the board shall, not later than the 30th day before the examination date, notify each applicant that the application and evidence submitted are satisfactory and accepted or unsatisfactory and rejected. If rejected, the notice shall state the reasons for the rejection.

Section 12. Examination. (a) Examinations to determine competence shall be administered to qualified applicants at least twice each calendar year. The examinations shall be in any of the following forms as determined by the board for each applicant:

(1) a field examination through questionnaires answered by the applicant's instructors, employers, supervisors, references, and others who are competent in the board's judgment to evaluate the applicant's professional competence, which may include the submission of written case studies and taped interviews with the applicant's instructors, employers, supervisors, references, and others or submission of documentary evidence of the quality, scope, and nature of the applicant's experience and competence as the board considers necessary; or

(2) other examinations as prescribed by the board.

(b) If a written examination is required, the board shall grade the examination and recommend to the chairman action to be taken. To ensure impartiality, written examination documents shall be identified by number, and no paper may be marked with the name of an applicant but shall be anonymously graded by the board. In the event an applicant fails to receive a passing grade on the entire examination, he may reapply and shall be allowed to take a subsequent examination. An applicant who has failed two successive examinations may not reapply until two years have elapsed from the date of the last examination or he has satisfactorily completed nine graduate semester hours in the applicant's weakest portion of the examination.

(c) Within 30 days after the day a licensing examination is administered under this Act, the board shall notify each examinee of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the board shall notify each examinee of the results of the examination within two weeks after the day the board receives the results from the testing service. If the notice of the examination results will be delayed for more than 90 days after the examination date, the board shall notify the examinee of the reason for the delay before the 90th day.

(d) If requested by a person who fails the examination for a license, the board shall furnish to the person an analysis of the person's performance on the examination.

Section 13. Licensed Professional Counselor Specialties. A specialty designation may be added on demonstration to the board that the applicant has met the recognized minimum standards as established by nationally recognized certification agencies. On passage of an examination, written, oral, or situational, or all three, and on receipt of credentials from certifying agencies, the board may, by a simple majority of the board members present and voting, consider the credentials adequate evidence of professional competence and recommend to the chairman of the board that a license with appropriate specialty designation, if any, be approved. A professional counselor may not claim or advertise a counseling specialty unless the qualifications of that specialty have been met and have been approved by the board.

Section 14. Licenses and Renewal of Licenses. (a) A license certificate issued by the board is the property of the board and must be surrendered on demand.

(b) The licensee shall display the license certificate in an appropriate and public manner.

(c) The licensee shall inform the board of his current address at all times.

(d) Each year the board shall prepare a registry of licensed professional counselors with specialties, if any, identified. The registry shall be made available to the licensees, other state agencies, and the general public on request.

(e) The license may be renewed annually if the licensee is not in violation of this Act at the time of application for renewal and if the applicant fulfills current requirements of continuing education as established by the board.

(f) Each person licensed under this Act is responsible for renewing his license before the expiration date.

(g) The board shall adopt a system under which licenses expire on various dates during the year. For the year in which the expiration date is changed, license fees payable on the date of issuance shall be prorated on a monthly basis so that each licensee shall pay only that portion of the license fee that is applicable to the number of months during which the license is valid. On renewal of the license on the expiration date, the total license fee is payable. Failure to renew a license by the expiration date shall result in an increase of the renewal fee by an amount to be determined by the board with the approval of the department. If failure to renew continues for more than 30 days after the date of expiration the board shall notify the person licensed under this Act of the expiration date of his license and the amount of the fee required for renewal. If failure to renew continues for more than 90 days after the date of expiration of the license, the license shall be revoked. Any licensee whose license is revoked because of failure to pay the annual license renewal fee may secure reinstatement of his license at any time within one year from the expiration date on payment of the license fee and a penalty fee in an amount to be determined by the board with the approval of the department. After the expiration of the year for which the license fee was not paid, a license may not be reinstated unless the licensee fulfills current requirements applicable to all licensees as provided by the rules adopted by the board.

(h) A licensee may request that his license be declared inactive. The licensee then foregoes the licensing rights granted under this Act but is relieved of renewal fees and penalty fees. At any time in the future, the license shall be declared active on the payment of a license fee if the applicant is not in violation of this Act at the time of application for reactivation or renewal of the license and if the applicant fulfills current requirements applicable to all licensees as provided by the rules adopted by the board.

Section 15. Penalty. (a) A person commits an offense if the person, after one year from the effective date of this Act, knowingly or intentionally acts as a licensed professional counselor without a license issued under this Act.

(b) An offense under this section is a Class B misdemeanor.

Section 16. Revocation or Suspension of License. (a) The board may revoke or suspend the license of a counselor on proof that the counselor:

(1) has violated this Act or a rule or code of ethics adopted by the board; or

(2) is legally committed to an institution because of mental incompetence from any cause.

(b) Proceedings for revocation or suspension of a license and appeals from those proceedings are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

Section 17. Power to Sue. The board or the department may institute a suit in its own name to enjoin the violation of this Act. The suit is in addition to any other action, proceeding, or remedy authorized by law. The board shall be represented by the attorney general or the appropriate county or district attorney.

Section 18. Reciprocity. The board may grant, on application and payment of fees, a license without examination to a person who at the time of application holds a valid license or certificate as a counselor issued by another state or any political territory or jurisdiction acceptable to the board if in the board's opinion the requirements for that license or certificate are substantially the same as the requirements of this Act.

Section 19. Revenue, Receipts, and Disbursements. The department shall receive and account for funds derived under this Act. The funds shall be deposited in the State Treasury to the credit of a special fund to be known as the professional counselors licensing fund and may be used only for the administration of this Act. The board may impose application, examination, license, and renewal fees and any other appropriate fees in an amount fixed by the board. The board shall fix the amounts of the fees to collect sufficient revenue to meet the expenses of administering this Act without accumulating unnecessary surpluses.

Section 20. Annual Report. Not later than the 90th day after the last day of each state fiscal year, the board shall submit to the governor, lieutenant governor, and speaker of the house a report about the activities of the board during the preceding fiscal year.

Section 21. Application of Sunset Act. The board is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes). Unless the board is continued in existence as provided by that Act, the board is abolished effective September 1, 1993.

Section 22. Initial Board Appointments. In making the initial appointments to the board, the governor shall designate three members for terms expiring February 1, 1985, and three members for terms expiring February 1, 1987.

Section 23. Effective Date. This Act takes effect September 1, 1981.

Section 24. Emergency. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

SENATE BILL 82

A bill to be entitled

An act relating to mental health; creating chapter 490, Florida Statutes; providing for the licensure of psychologists, clinical social workers, marriage and family therapists, mental health counselors, and school psychologists; creating a Board of Psychological Examiners within the Department of Professional Regulation; providing for licensure by examination and by endorsement; providing for license renewal and for inactive status; providing for fees; providing for disciplinary action and grounds therefor; prohibiting sexual misconduct; prohibiting unlicensed practice; providing a penalty; providing for injunctions; providing exemptions; providing duties of the Department of Professional Regulation; providing for repeal and review in accordance with the Regulatory Reform Act of 1976; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 490, Florida Statutes, consisting of sections 490.001, 490.002, 490.003, 490.004, 490.005, 490.006, 490.007, 490.008, 490.009, 490.011, 490.012, 490.013, 490.014, and 490.015, Florida Statutes, is created to read:

490.001. Short title. This chapter may be cited as the "Psychological Services Act."

490.002. Intent. The Legislature finds that as society becomes increasingly complex, emotional survival is equal in importance to physical survival. Therefore, in order to preserve the health, safety, and welfare of the public, the Legislature must provide privileged communication for members of the public or those acting on their behalf to encourage seeking out needed or desired psychological services. The Legislature further finds that since such psychological services assist the public primarily with emotional survival, which in turn affects physical and psychophysical survival, the practice of psychology, school psychology, clinical social work, marriage and family therapy, and mental health counseling by persons not qualified to practice such professions presents a danger to public health, safety, and welfare. The Legislature finds that to further secure the health, safety, and welfare of the public and also to encourage professional cooperation among all qualified professionals, the Legislature must assist the public in making informed choices of such qualified psychological services by establishing minimum qualifications for entering into and remaining in the respective professions.

490.003. Definitions.

(1) "Department" means the Department of Professional Regulation.

(2) "Board" means the Board of Psychological Examiners

(3) "Psychologist" means a person licensed pursuant to s. 490.005 (1), s. 490.006, or s. 490.013(2).

(4) "Clinical social worker" means a person licensed pursuant to

s. 490.005(2)(a), s. 490.006, or s. 490.013(1).

(5) "Marriage and family therapist" means a person licensed pursuant to s. 490.005(2)(b), 2. 490.006, or s. 490.013(1).

(6) "Mental health counselor" means a person licensed pursuant to s. 490.005(2)(c), s. 490.006, or s. 490.013(1).

(7) "School psychologist" means a person licensed pursuant to s. 490.005(2)(d), s. 490.006, or s. 490.013(1). A school psychologist may only render or offer to render to individuals, groups, organizations, government agencies, or the public any of the following services:

(a) Evaluation, measurement, and assessment of intellectual ability, aptitudes, or achievement that directly relates to learning or behavioral problems in an educational setting in order to determine appropriate recommendations.

(b) Psycho-educational or vocational consultation or direct psycho-educational services to schools, agencies, organizations, or psychological professionals, which is directly related to learning problems.

(c) Development of programs to facilitate the learning process of clients.

490.004. Board of Psychological Examiners.

(1) There is created within the Department of Professional Regulation a Board of Psychological Examiners composed of seven members appointed by the Governor and confirmed by the Senate.

(2) Five members of the board shall be licensed psychologists in good standing in this state and the remaining two members shall be citizens of the state who are not and have never been licensed psychologists and who are in no way connected with the practice of psychology.

(3) No later than January 1, 1982, the Governor shall appoint seven members of the board as follows:

(a) Two members for terms of 2 years each.

(b) Two members for terms of 3 years each.

(c) Three members for terms of 4 years each.

(4) As the terms of the initial members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed.

(5) The board shall adopt rules to implement the provisions of this chapter.

(6) All applicable provisions of chapter 455 relating to activities of regulatory boards shall apply to the board.

(7) The board shall maintain its official headquarters in the City of Tallahassee.

490.005. Licensure by examination.

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the board not to exceed $250.

(b) Submitted proof satisfactory to the board that he has received a doctoral degree with a major in psychology from a university or professional school that has a program approved by the American Psychology Association or has received a doctoral degree in psychology from a university or professional school maintaining a standard of training comparable to those universities having programs approved by the American Psychology Association or the doctoral psychology programs of the state universities, or has complied with the requirements for eligibility to take the Florida examination as set by the Florida State Board of Examiners of Psychology in a final order issued prior to July 1, 1979.

(c) Had at least 2 years' or 4,000 hours' full-time experience in the field of psychology in association with or under the supervision of a psychologist meeting the academic and experience requirements of this chapter. The experience requirement may be met by work performed on or off the premises of the supervising psychologist if the off-premises work is not the independent, private-practice rendering of psychological services that does not have a psychologist as a member of the group actually rendering psychological services on the premises. No more than 1 year of predoctoral experience may be utilized in satisfying the experience required.

(d) Passed the examination.

(2) Upon verification of documentation and payment of a fee not to exceed $250 as set by department rule, the department shall issue a license to an applicant as a:

(a) Clinical social worker who:

1. Has made application therefor and paid the appropriate fee.

2. Has received a master's degree with a major emphasis or specialty in direct patient or client health care services, including, but not limited to, programs of study in psychiatric social work, medical social work, social casework, psychotherapy, or group therapy, from a graduate school of social work approved by the Council on Social Work Education, or has received a doctoral degree in social work with clinical emphasis from a college or university accredited by an accrediting agency approved by the United States Department of Education.

3. Has had at least 3 years' experience as a provider of behavioral therapy including 2 years under the supervision of someone who meets the education and experience requirements for licensure as a clinical social worker under this chapter. A doctoral internship may be used in meeting the supervision requirement.

4. Has passed an examination prepared by the department or the state professional organization for clinical social workers as designated by the department for this purpose.

(b) Marriage and family therapist who:

1. Has made application therefor and paid the appropriate fee.

2. Has a master's degree and has completed 60 semester or 90 quarter hours of graduate study, with a specialty in marriage and family therapy, or a doctor's or master's degree with major emphasis in marriage and family therapy, psychology, clinical social work, sociology in the family, family life education, mental health counseling, or a closely comparable field of study emphasizing marriage and family therapy, from a college or university accredited by an accrediting agency approved by the United States Department of Education.

3. Has had not less than 3 years' full-time post-master's experience, 2 years of which must be under the supervision of a person who meets the education and experience criteria required for licensure as a marriage and family therapist under this chapter. A doctoral in-

ternship may be used in meeting the supervision requirement.

4. Has passed an examination prepared by the department or the state professional organization for marriage and family therapists as designated by the department for this purpose.

(c) Mental health counselor who:

1. Has made application therefor and paid the appropriate fee.

2. Has received a minimum of an earned master's degree in a planned, supervised, and integrated program, and has completed 60 semester or 90 quarter hours of graduate study in mental health counseling, psychology, guidance counseling, or rehabilitation counseling at a college or university accredited by an accrediting agency approved by the United States Department of Education. Such course work shall emphasize mental health in a planned program of study including courses in counseling skills and theories.

3. Has had a minimum of 3 years' experience in mental health counseling including 2 years of supervision by someone who meets the education and experience requirements for licensure as a mental health counselor under this chapter. A doctoral internship may be used in meeting the supervision requirement.

4. Has passed an examination prepared by the department or the state professional organization for mental health counselors as designated by the department for this purpose.

(d) School psychologist who:

1. Has made application therefor and paid the appropriate fee.

2. Has received a doctorate, specialist, or equivalent degree from a college or university accredited by an accrediting agency approved by the United States Department of Education in an integrated program of graduate study primarily psychological in nature. This program shall include 60 semester or 90 quarter hours of instruction beyond the baccalaureate degree.

3. Has had a minimum of 3 years' experience in school psychology including 2 years of supervised experience as a school psychologist. A doctoral internship may be used in meeting the supervision requirement.

4. Has passed an examination prepared by the department or the state professional organization for school psychologists as designated by the department for this purpose.

490.006. Licensure by endorsement.

(1) The department shall license a person in a profession regulated by this chapter who, upon applying to the department and remitting the appropriate fee, demonstrates to the department or, in the case of psychologists, to the board, that he holds a valid license or certificate in another state to practice the profession for which licensure is applied, provided that when the applicant secured such license or certificate, requirements were substantially equivalent to or more stringent than those set forth in this chapter.

(2) Such examinations and requirements of other states shall be presumed to be substantially equivalent to or more stringent than those in this state unless the department or, in the case of psychologists, the board by rule finds otherwise. Such presumption shall not arise until January 1, 1982.

(3) The department shall not issue a license by endorsement to

any applicant who is under investigation in another state for acts which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 490.009 shall apply.

490.007. Renewal of license.

(1) The department or, in the case of psychologists, the board shall prescribe by rule a method for the biennial renewal of licenses at a fee set by rule, not to exceed $150.

(2) Each applicant for renewal shall present satisfactory evidence that in the period since the license was issued, the applicant has completed continuing education requirements set by rule of the department or, in the case of psychologists, by rule of the board. Not more than 25 hours of continuing education per year shall be required.

(3) Any license delinquent for a period less than 1 year shall be automatically placed on inactive status. Such license may be reactivated only when the licensee pays twice the delinquent fee and meets the continuing education requirements for reactivation pursuant to the provisions of subsection (4).

(4) Sixty days prior to the automatic placing of a license on inactive status, the department shall mail a notice to the last known address of the licensee. The department or, in the case of psychologists, the board may by rule prescribe continuing education requirements as a condition of reactivating a license. Such requirements shall not exceed 25 hours for each year the license was inactive.

490.008. Inactive status. Any person regulated by this chapter may place his license on inactive status by making application therefor to the department and paying a fee set by rule of the department or, in the case of psychologists, the board, not to exceed $50. Such license may be reactivated upon payment of a fee set by rule of the department or, in the case of psychologists, the board, not to exceed $50, and by meeting the continuing education requirements of s. 490.007(4).

490.009. Discipline.

(1) When the department or, in the case of psychologists, the board finds any applicant or licensee whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:

(a) Denial of an application for licensure either temporarily or permanently;

(b) Revocation of an application for licensure either temporarily or permanently;

(c) Suspension after hearing of a license for a period of up to 5 years;

(d) Immediate suspension of a license pursuant to s. 120.60(6);

(e) Imposition of an administrative fine not to exceed $1,000; or

(f) Issuance of a public reprimand.

(2) The following acts of a licensee or applicant are grounds for which the disciplinary actions listed in subsection (1) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery or fraudulent misrepresentation, or through an error of the board or department.

(b) Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of his profession or the ability to practice his profession.

(d) False, deceptive, or misleading advertising, or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person whom the applicant or licensee knows, or has reason to believe, is in violation of this chapter or of a rule of the department or, in the case of psychologists, of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed person to hold himself out as licensed under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such reports or record shall include only those which require the signature of a person licensed under this chapter.

(j) Paying or receiving kickbacks, rebates, bonuses, or other remuneration for receiving a patient or client or referring a patient or client to another provider of mental health care services or to a provider of health care services or goods.

(k) Committing any act upon a patient or client, other than the spouse of the actor, which would constitute sexual battery, or which would constitute sexual misconduct as defined by s. 490.011.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background.

(p) Being unable to practice the profession for which he is licensed under this chapter with reasonable skill and competence by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other substance, or as a result of any mental or physical condition.

(q) Violating provisions of this chapter, or of chapter 455, or any rules adopted pursuant thereto.

(r) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(s) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(t) Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(u) Violating a rule relating to the regulation of the profession, or a lawful order of the department previously entered in a disciplinary hearing.

(v) Failure of the licensee to maintain in confidence communication made by a patient or client in the context of such services, except by written permission or in the face of a clear and immediate probability of bodily harm to the patient or client or others.

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

490.011. Sexual misconduct in the practice of the professions licensed in this chapter. Sexual misconduct in the practice of clinical social work, marriage and family therapy, mental health counseling, psychology, or school psychology is prohibited. Sexual misconduct shall be defined by rule.

490.012. Violations; penalties, injunction.

(1) No person shall hold himself out by any title or description incorporating the words, or permutations of them, "psychologist," "psychology," "psychological," "school psychologist, "psychotherapy," "clinical social work," "licensed social worker," "psychiatric social worker," "mental counseling," "marriage therapist," "marriage counselor," "marriage consultant," "family therapist," "family counselor," "family consultant," "mental health counselor," "sex therapist," or "sex counselor," unless such person is licensed under this chapter or is exempt from the provisions of this chapter. No person licensed pursuant to this chapter shall hold himself out by any title or description which indicates licensure other than that which has been granted to him.

(2) Any person who violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department may institute appropriate proceedings to enjoin violation of subsection (1).

490.013. Exceptions.

(1) The department shall license a person in clinical social work, marriage and family therapy, mental health counseling, or school psychology who, within 6 months following the effective date of this

chapter, has made application for licensure and paid the appropriate fee and who, on the effective date of this chapter:

(a) Is a legal resident of this state;

(b) Meets the education requirements prescribed herein for the profession for which licensure is sought; and

(c) Has had at least 3 years' experience in the practice of such profession.

(2) The department shall license as a psychologist any person who the board certifies:

(a) Has made application and paid the appropriate fee on or before December 31, 1981; and

(b) Holds a valid certificate to practice psychology issued by the Florida Psychological Association or the Florida Association of Practicing Psychologists, or has submitted proof satisfactory to the board that he has received a doctoral degree from a university or professional school accredited by an accrediting agency approved by the United States Department of Education in a program that is primarily psychological in nature and, subsequent to receiving such degree, has had 5 years' experience, primarily psychological. Two years' experience must be in Florida, and only one year of experience may be predoctoral.

(3) The exceptions of this section shall not apply to any person who is under investigation by another state or by an agency of this state for acts which would constitute a violation of this chapter; or who has had a license revoked or suspended by another state or an agency of this state.

490.014. Exemptions.

(1) No provision of this chapter shall be construed to limit the practice of medicine, osteopathy, nursing, or other recognized businesses or professions, or to prevent qualified members of other professions from doing work of a nature consistent with their training, so long as they do not hold themselves out to the public as possessing a license issued pursuant to this chapter.

(2) No person shall be required to be licensed under this chapter who:

(a) Is a salaried employee of a government agency, mental health, alcohol, or drug abuse facility operating pursuant to chapters 394, 396, or 397, accredited academic institution, or research institution, if such employee is performing duties for which he was hired solely within the confines of such agency.

(b) Is a student pursuing a course of study leading to a degree in medicine or a profession regulated by this chapter, providing services in a training setting, provided that such activities or services constitute a part of a supervised course of study, or is a graduate accumulating the experience required for any licensure under this chapter, provided that such graduate or student is designated by a title such as intern or trainee which clearly indicates the in-training status of the student.

(c) Is certified in school psychology by the Department of Education and is performing psychological services as a full-time employee of a public or private educational institution.

(d) Is not a resident of the state but offers services in this state, provided that such services are performed for no more than 5 days in any month, and no more than 15 days in any calendar year, and provided that such nonresident is licensed or certified by a state or territory of the United States, or by a foreign country or province, the standards of which were, at the date of his licensure or certification, equivalent to or higher than the requirements of this chapter in the opinion of the department or, in the case of psychologists, in the opinion of the board.

(e) Is a rabbi, priest, minister, or clergyman of any religious denomination or sect when engaging in activities within the scope of the performance of his regular or specialized ministerial duties and for which no separate charge is made, or when such activities are performed, with or without charge, for or under auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

490.015. Duties of the department.

(1) All functions reserved to boards under chapter 455 shall be exercised by the department with respect to the regulation of clinical social workers, marriage and family therapists, mental health counselors, and school psychologists and in a manner consistent with the exercise of its regulatory functions.

(2) The department shall adopt rules to implement the provisions of this chapter.

Section 2. Any person practicing a profession for which licensure under this act is required may continue to practice such profession without a license until January 1, 1982.

Section 3. This act shall stand repealed July 1, 1988, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Section 4. This act shall take effect January 1, 1982, except that section 490.004, Florida Statutes, shall take effect upon becoming a law.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 492

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO LICENSURE OF PROFESSIONAL COUNSELORS FOR INDEPENDENT PRACTICE; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER 34, TITLE 54, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE CONDITIONS UNDER WHICH A LICENSE IS REQUIRED AND TO LIST EXEMPTIONS, TO ESTABLISH THE COUNSELOR LICENSING BOARD, TO PROVIDE POWERS FOR THE COUNSELOR LICENSING BOARD, TO SPECIFY QUALIFICATIONS FOR LICENSURE, TO PROVIDE FOR RECIPROCITY, TO PROVIDE DISCIPLINARY PROCEEDINGS, TO PROVIDE ACTS THAT ARE PROHIBITED BY THIS CHAPTER, TO PROVIDE FOR ENFORCEMENT, TO PROVIDE THAT CLIENT COMMUNICATIONS WITH PERSONS LICENSED UNDER THIS CHAPTER ARE CONFIDENTIAL, TO PROVIDE FEES FOR LICENSURE, TO PROVIDE FOR DEPOSIT OF FEES IN THE OCCUPATIONAL LICENSE ACCOUNT IN THE DEDICATED FUND, TO PROVIDE ADMINISTRATION OF THIS CHAPTER BY THE BUREAU OF OCCUPATIONAL LICENSES, AND TO PROVIDE RENEWAL OR REINSTATEMENT OF A LICENSE; AMENDING SECTION 67-2601, IDAHO CODE, TO INCLUDE THE COUNSELOR LICENSING BOARD IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES; AMENDING SECTION 67-2602, IDAHO CODE, TO ALLOW THE BUREAU OF OCCUPATIONAL LICENSES TO PROVIDE SERVICES TO THE COUNSELOR LICENSING BOARD; AND PROVIDING SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 34, Title 54, Idaho Code, and to read as follows:

CHAPTER 34
PROFESSIONAL COUNSELORS FOR INDEPENDENT PRACTICE

54-3401. DEFINITIONS. As used in this chapter:

(1) "Licensed professional counselor" means any person who holds himself/herself out to the public by any title or description of services incorporating the words "licensed professional counselor" or "licensed counselor."

(2) "Board" means the Idaho state counselor licensing board.

(3) "Department" means the department of self-governing agencies of the state of Idaho.

(4) "Bureau chief" means the chief of the bureau of occupational licenses of the state of Idaho.

54-3402. LICENSE REQUIRED -- EXEMPTIONS. It shall be unlawful for any person to represent himself/herself to be a licensed professional counselor or licensed counselor unless he/she shall first obtain a license pursuant to this chapter.

Nothing in this chapter, however, shall be construed to limit or or prevent the practice of an individual's profession or to restrict a person from doing counseling provided that the person or individual does not hold himself/herself out to the public by title or description as being a licensed counselor or a licensed professional counselor.

Nothing in this chapter shall be construed to authorize a licensed professional counselor to perform those specific functions and duties specifically delegated by law to those persons licensed as physicians.

54-3403. BOARD --ORGANIZATION AND MEETINGS. There is hereby created in the department of self-governing agencies an Idaho counselor licensing board as follows:

(1) The board shall consist of four (4) members, residents of the state of Idaho, who shall be appointed by the governor. In making appointments, the governor shall give consideration to recommendations submitted by the Idaho personnel and guidance association in consultation with other state counselor organizations. If recommendations are not made within sixty (60) days of notification and request, the governor may make appointments of any qualified individual.

(2) Beginning July 1, 1982, initial appointments to the board shall be for the following terms: one (1) member for a term ending in one (1) year; one (1) member for a term ending in two (2) years; one (1) member for a term ending in three (3) years; and one (1) member for a term ending in four (4) years.

(3) When the initial term of each member ends, the governor shall appoint the successor for a term of four (4) years from qualified candidates. Any vacancy occurring on the board shall be filled by the governor by appointment for the unexpired term. The governor may remove any board member for misconduct, incompetency, or neglect of duty after giving the board member written notice of the charges and an opportunity to be heard thereon.

(4) At all times, the board shall have two (2) members who are engaged primarily in rendering counseling service; one (1) member who is engaged primarily in teaching, training or research in counseling; and one (1) member from the general public. Except for the initial appointment, all members of the board except the member from the general public shall be licensed under this chapter.

(5) The first appointees, other than the member from the general public, must meet the qualifications for licensure and shall become licensed professional counselors immediately upon their appointment as members of the board.

(6) No board member shall serve more than two (2) full consecutive terms.

(7) The members of the board shall be reimbursed for their actual and necessary expenses, not to exceed state established maximum allowance, and a per diem of thirty-five dollars ($35.00) per day of actual service while engaged in performing their duties as members of the board.

(8) The board shall within sixty (60) days after the effective date of this chapter, and annually thereafter hold a meeting and elect a chairman, vice-chairman, and secretary from among its members.

The board shall meet at such other times as deemed necessary and advisable by the chairman, or by a majority of its members, or by the governor. Notice of all meetings shall be given in the manner prescribed by law. A majority of the board shall constitute a quorum at any meeting or hearing.

(9) The secretary of the board shall take and maintain the minutes of the board proceedings.

54-3404. COUNSELOR LICENSING BOARD -- POWERS. The board shall have the following powers:

(1) To regulate the practice of licensed counselors and licensed professional counselors in the state of Idaho.

(2) To pass upon the qualifications and fitness of applicants for license.

(3) To adopt and from time to time revise such rules and regulations as may be necessary to carry into effect the provisions of this chapter. Such rules and regulations shall include, but not be limited to the American Personnel and Guidance Association code of ethics for licensed counselors in the state and shall be adopted in compliance with chapter 52, title 67, Idaho Code.

(4) To review the practice of counselors licensed under this chapter and charged with a violation of the provisions of this chapter. This review may include the notes of the counselor and other materials related to the practice. The review will remain confidential, unless the written consent of the client is received by the board.

(5) To establish a peer review system whereby each licensed counselor's practice may be reviewed to ensure continuing practice in an appropriate and ethical manner.

(6) To examine for, deny, approve, issue, revoke, suspend, and renew the licenses of counselor applicants pursuant to this chapter, and to conduct hearings in connection therewith.

(7) To conduct hearings to suspend or revoke licenses for violations of the law and rules and regulations adopted pursuant to this chapter and cause the prosecution and enjoinder of all such violations.

(8) In any proceeding before the board authorized by this chapter, the board or its designee may administer oaths or affirmations to witnesses appearing before it.

(9) To authorize, by written agreement, the chief of the bureau of occupational licenses as agent to act in its interest.

54-3405. QUALIFICATION FOR LICENSURE. Licensure as a "licensed professional counselor" shall be restricted to persons who have successfully completed each of the following requirements:

(1) A planned graduate program of sixty (60) semester hours which is primarily counseling in nature, six (6) semester hours of which are earned in an advanced counseling practicum, and including a graduate degree in a counseling field from an accredited university or college offering a graduate program in counseling.

(2) An examination if required by the board's regulations.

(3) One thousand (1,000) hours of supervised experience in counseling acceptable to the board.

Within the period from the effective date of this chapter until July 1, 1983, an applicant shall be exempt from the provisions of this section:

(1) Who hold at least a master's degree in counseling or a related field from an accredited college or university.

(2) Who, if required by the board, passes an examination in counseling skills and/or knowledge.

(3) Who has supervised counseling experience acceptable to the board.

54-3406. RECIPROCITY. Upon payment of the fee enumerated in this chapter, the board may grant a license to any person who, at the time of application, is licensed or certified by an agency located in another state and which is similar to the counselor licensing board, provided that the requirements of such certification or licensure are substantially similar to the requirements of this chapter.

54-3407. DISCIPLINARY PROCEEDINGS. Subject to the provisions of chapter 52, title 67, Idaho Code, the board may revoke or suspend a license upon the following grounds:

(1) Fraud or deception in procuring the license;

(2) Conviction of a felony by a court of competent jurisdiction;

(3) Gross incompetency;

(4) Fraud or deceit in the performance of official duties;

(5) For violation of any of the provisions of this chapter or any of the rules or regulations promulgated by the board under the authority of this chapter.

The board may reinstate any revoked or suspended license upon such terms as it may impose.

54-3408. CERTAIN ACTS PROHIBITED. The following acts shall be unlawful and punishable as a misdemeanor:

(1) The violation of any of the provisions of this chapter and any regulations promulgated pursuant thereto;

(2) A person representing himself to be a licensed counselor or licensed professional counselor without having first complied with the provisions of this chapter.

54-3409. INJUNCTION PROCEDURE. The board or any resident citizen may maintain an action in equity in the name of the state of Idaho to enjoin perpetually any person, firm, company, corporation, partnership, or organization from persisting in the doing of any acts constituting a violation of the provisions of this chapter. Such action shall be brought in the district court of the county in which the act or acts or some of them are claimed to have been or are being committed, by filing a complaint setting forth the acts. The court, or a judge thereof at chambers, if satisfied from such complaint or by affidavits that the acts complained of have been or are being committed and will probably be persisted in, may issue a temporary writ enjoining the defendant from the commission of any such act or acts pending final disposition of the case. The case shall proceed as in other cases for injunction. If at the trial the commission of the act or acts by the defendant be established and the court further finds that it is probable that defendant will continue therein or in similar violations, the court, or a judge thereof at chambers, shall enter a decree perpetually enjoining the defendant from thereafter committing the act or similar acts.

54-3410. CONFIDENTIAL COMMUNICATION. Confidentiality of communication between licensed counselor and client shall be privileged from disclosure according to the profisions of subsection 1, paragraph 6, of section 9-203, Idaho Code, with the exception of the board in the review provided for in section 54-3404, Idaho Code.

54-3411. FEES ON LICENSURE. The board shall establish fees for licensure under the provisions of this chapter as follows:

(1) The fee for applications not to exceed one hundred dollars ($100).

(2) The fee for examination, when required, not to exceed fifty dollars ($50.00).

(3) The fee for reciprocity not to exceed one hundred dollars ($100).

(4) The fee for the original license not to exceed one hundred dollars ($100).

(5) The fee for annual renewal not to exceed sixty dollars ($60.00).

(6) Fees under subsections (2) or (3) of this section shall be in addition to the application fee.

(7) All fees paid pursuant to this section shall be nonrefundable.

54-3412. DISPOSITION OF RECEIPTS -- EXPENSES --REFUND. All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational license account in the dedicated fund and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the account for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding. In no instance will the occupational license account be obligated to pay claims which in aggregate with claims already paid exceed the income to the occupational license account which has been derived by the application of this chapter.

The money paid into the occupational license account is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.

54-3413. ADMINISTRATION BY BUREAU OF OCCUPATIONAL LICENSES. This chapter shall be administered by the bureau of occupational licenses.

54-3414. POWERS AND DUTIES OF BUREAU OF OCCUPATIONAL LICENSES. The bureau of occupational licenses shall have the following powers and duties:

(1) To accept applications for and issue licenses to counselors pursuant to requirements of this chapter.

(2) To maintain in a registry appropriate for that purpose a public record of all applications for licenses, the action of the department thereon, of all licenses issued and of all licenses revoked or forfeited with the reasons for such revocation or forfeiture and of all renewals.

(3) To forward complaints against a licensed professional counselor to the state counselor licensing board for review and investigation.

(4) To assist in the investigation and prosecution of complaints filed against a counselor under Section 54-3408, Idaho Code.

(5) At the discretion of the chief of the bureau and upon apparent failure or refusal of the state counselor licensing board to investigate or prosecute a complaint against a counselor, to investigate the complaint and forward the report of investigation to the state counselor licensing board and upon apparent failure or refusal of the state counselor licensing board to take further action, to file an action in the district court under section 54-3408, Idaho Code, against a counselor violating the terms of this chapter.

54-3415. RENEWAL OR REINSTATEMENT OF LICENSE. Renewal or reinstatement of licenses shall be governed by the provisions of section 67-2614, Idaho Code.

SECTION 2. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED -- ORGANIZATION --DIRECTOR -- BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title, 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; Idaho Prune commission, as provided by chapter 30, title 22, Idaho Code; and Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and,

(b) professional and occupational licensing boards: Idaho state board of certified public accountancy, as provided by chapter 2, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54, Idaho Code; office of the state athletic director, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic examiners, as provided by chapter 7, title 54, Idaho

Code; Idaho board of cosmetology, as provided by chapter 8, title, 54, Idaho Code; Idaho counselor licensing board, as provided by chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of engineering examiners, as provided by chapter 12, title 54, Idaho Code; board of environmental health specialist examiners, as provided by chapter 24, title 54, Idaho Code; state board for registration of professional geologists, as provided by chapter 28, title 54, Idaho Code; board of hearing aid dealers and fitters, as provided by chapter 29, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code, and its associated physical therapist advisory board, as provided by chapter 22, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of nurses, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; public works contractors licensing board, as provided by chapter 19, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; board of social work examiners as provided by chapter 32, title 54, Idaho Code, and the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code: and,

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

SECTION 3. That Section 67-2602, Idaho Code, be, and the same is hereby amended to read as follows:

67-2602. BUREAU OF OCCUPATIONAL LICENSES. The bureau of occupational licenses created in the department of self-governing agencies by section 67-2601, Idaho Code, shall be empowered, by written agreement between the bureau and each agency for which it provides administrative or other services as provided by law, to provide such services for the board of architectural examiners, board of barber examiners, board of barber examiners, board of chiropractic examiners, board of cosmetology, counselor licensing board, board of environmental health specialist examiners, board of hearing aid dealers and fitters, board of landscape architects, board of morticians, board of examiners of nursing home administrators, board of optometry, board of podiatrists, board of psychologist examiners, board of veterinary medicine and such other professional and occupational licensing boards or commodity commissions as may request such services. The bureau may charge a reasonable fee for such services provided any agency not otherwise provided for by law and shall maintain proper accounting methods for all funds under its jurisdiction.

SECTION 4. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

NORTH CAROLINA REGISTRATION LAW

SENATE BILL NO. 553

A BILL TO BE ENTITLED

AN ACT SETTING STANDARDS FOR QUALIFICATION, TRAINING AND EXPERIENCE FOR PERSONS SEEKING TO REPRESENT THEMSELVES TO THE PUBLIC AS REGISTERED PRACTICING COUNSELORS: CREATING A STATE BOARD OF EXAMINERS FOR REGISTERED PRACTICING COUNSELORS: DEFINING THE FUNCTIONS AND DUTIES OF THAT BOARD: AND PROVIDING FOR PENALTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 90 of the General Statutes is amended by inserting a new Article to read:

ARTICLE 22
REGISTERED PRACTICING COUNSELORS

90-324. DECLARATION OF POLICY. It is declared to be the public policy of this State that the activities of persons using the title "Registered Practicing Counselor" be regulated to insure the protection of the public health, safety and welfare.

90-325. DEFINITIONS: PRACTICE OF LAW: PRACTICE OF MARRIAGE AND FAMILY THERAPY. (a) Definitions. As used in this Article certain terms are defined as follows:

(1) A "counselor" is a person engaged in the practice of counseling who is not a Registered Practicing Counselor as defined in this Article.

(2) A "Registered Practicing Counselor" is a person engaged in the practice of counseling who holds a certificate as a Registered Practicing Counselor issued to him under the provisions of this Article.

(3) The "practice of counseling" means holding oneself out to the public as a practicing counselor offering counseling services which include, but are not limited to the following:

- (a) Counseling. Assisting an individual, through the counseling relationship, to develop understanding of personal problems, to define goals and to plan action reflecting his or her interests, abilities, aptitudes and needs as these are related to personal-social concerns, education progress and occupations and careers.
- (b) Appraisal Activities. Administering and interpreting tests for assessment of personal characteristics.
- (c) Consulting. Interpreting scientific data and providing guidance and personnel services to individuals, groups or organizations.
- (d) Referral Activities. Identifying problems requiring referral to other specialists.
- (e) Research Activities. Designing, conducting and interpreting research with human subjects.

(b) Practice of Law. Nothing in this Article shall be construed as authorizing Registered Practicing Counselors to engage in the practice of law, and such person shall not engage in the practice of law unless duly licensed so to do.

(c) Practice of Marriage and Family Therapy, Psychology or Social Work. No person hereafter registered as a Practicing Counselor under the provisions of this Article shall be allowed to hold himself out to the public as having specialized training or experience as an expert or specializing in the field of Marriage and Family Therapy, Psychology or Social Work unless specifically authorized by other provisions of law.

90-326. UNLAWFUL USE OF TITLE "REGISTERED PRACTICING COUNSELOR." It shall be unlawful for any person who has not received a certificate of qualification as a Registered Practicing Counselor to assume or use such a title, or to use any words or other means of identification indicating that the person has been certified as a Registered Practicing Counselor, but such person may use the term "counselor" in connection with his name relating to his services as a counselor.

90-327. USE OF TITLE BY FIRM. It shall be unlawful for any firm, partnership, corporation, association or other business or professional entity to assume or use the title of Registered Professional Counselor, unless each of the members of such firm, partnership or association first shall have received a certificate of qualification from the State Board of Registered Practicing Counselors.

90-328. NORTH CAROLINA BOARD OF REGISTERED PRACTICING COUNSELORS: APPOINTMENTS: TERMS: COMPOSITION. (a) For the purpose of carrying out the provisions of this Article, there is hereby created the North Carolina Board of Registered Practicing Counselors which shall consist of seven members appointed by the Governor in the manner hereinafter prescribed. The Governor may remove any member of the Board for neglect of duty or malfeasance or conviction of a felony or other crime of moral turpitude, but for no other reason.

(b) At least five members of the Board shall be Registered Practicing Counselors except that initial appointees shall be persons who meet the educational and experience requirements for registration as Registered Practicing Counselors under the provisions of this Article; and two members shall be appointed from the public at large. Composition of the Board as to the race and sex of its members shall reflect the composition of the population of the State of North Carolina.

(c) At all times the Board shall include at least two counselors primarily engaged in counselor education, at least one counselor primarily engaged in the public sector, and at least two counselors primarily engaged in the private sector.

(d) All members of the Board shall be residents of the State of North Carolina, and after the establishment of the initial Board, all members, with the exception of the public members shall be registered by the Board under the provisions of this Article. Professional members of the Board must be actively engaged in the practice of counseling or in the education and training of students in counseling, and have been for at least three years prior to their appointment to the Board. Such activity during the two years preceding the appointment shall have occurred primarily in this State.

(e) The term of office of each member of the Board shall be three years; provided, however, that of the members first appointed, three shall be appointed for terms of one year, two for terms of two years, and two for terms of three years. No member shall serve more than two consecutive three-year terms.

(f) Each term of service on the Board shall expire on the 30th day of June of the year in which the term expires. As the term of a member expires, the Governor shall make the appointment for a full term, or, if a vacancy occurs for any other reason, for the remainder of the unexpired term.

(g) Members of the Board shall receive compensation for their services and reimbursement for expenses incurred in the performance of duties required by this Article, at the rates prescribed in G.S. 93B-5.

(h) The Board may employ, subject to the provisions of Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions, and fix their compensation within the limits of funds available to the Board.

90-329. FUNCTIONS AND DUTIES OF THE BOARD. (a) The Board shall administer and enforce the provisions of this Article.

(b) The Board shall elect from its membership, a chairperson, a vice-chairperson, and secretary-treasurer, and adopt rules to govern its proceedings. A majority of the membership shall constitute a quorum for all Board meetings.

(c) The Board shall examine and pass on the qualifications of all applicants for certification under this Article, and shall issue a certificate to each successful applicant therefor.

(d) The Board may adopt a seal which may be affixed to all certificates issued by the Board.

(e) The Board may authorize expenditures deemed necessary to carry out the provisions of this Article from the fees which it collects, but in no event shall expenditures exceed the revenues of the Board during any fiscal year. No State appropriations shall be subject to the administration of the Board.

(f) The Board shall establish and receive fees not to exceed seventy-five dollars ($75.00) for initial or renewal application, not to exceed seventy-five dollars ($75.00) for examination, and not to exceed fifteen dollars ($15.00) for late renewal; maintain Board accounts of all receipts, and make expenditures from Board receipts for any purpose which is reasonable and necessary for the proper performance of its duties under this Article.

(g) The Board shall have the power to establish or approve study or training courses and to establish reasonable standards for registration and certificate renewal, including but not limited to the power to adopt or use examination materials and accreditation standards of any recognized counselor accrediting agency and the power to establish reasonable standards for continuing counselor education; provided that for certificate renewal no examination shall be required.

(h) Subject to the provisions of Chapter 150A of the General Statutes, the Board shall have the power to adopt, amend, or repeal rules and regulations to carry out the purposes of this Article, including but not limited to the power to adopt ethical and disciplinary standards.

(i) The Board shall not adopt rules to regulate individuals who do not use the title "Registered Practicing Counselor."

90-330. BOARD GENERAL PROVISIONS. The Board shall be subject to the provisions of Chapter 93B of the General Statutes.

90-331. TITLE AND QUALIFICATIONS FOR REGISTRATION. (a) Each person desiring to be registered by the Board shall make application to the Board upon such forms and in such manner as the Board shall prescribe, together with the required application fee established by the Board.

(b) The Board shall issue a certificate as "Registered Practicing Counselor" to an applicant who:

(1) Holds a Master's degree from a college or university accredited by one of the regional accrediting associations or from a college or university determined by the Board to have standards substantially equivalent to a regionally accredited institution, and

(2) Has a degree including a concentration in subject matter directly related to the practice of counseling as defined in G.S. 90-325(a)(3) or a degree supplemented with courses that the Board determines to be substantially equivalent, and

(3) Provides satisfactory evidence of the completion of two years' experience in the practice of counseling under the direct supervision of a Registered Practicing Counselor. A doctoral degree in counseling from an accredited college or university may be substituted for two years of experience.

90-332. PERSONS CERTIFIED IN OTHER STATES. A counselor who holds a valid and unrevoked certificate as a Registered Practicing Counselor, or its equivalent, issued under authority of any state, or the District of Columbia, and who resides within the State of North Carolina, may perform work within the State: Provided, that he register with the State Board of Registered Practicing Counselors and comply with its rules regarding such registration. Such person may use the term "Counselor" in connection with his name, but may not use the term "Registered Practicing Counselor" without registering with the Board.

90-333. TEMPORARY EXEMPTION FROM ACADEMIC QUALIFICATIONS. Applicants who were engaged in the practice of counseling before January 1, 1984, shall be exempt from the academic qualifications required by this Article for Registered Practicing Counselors and shall be registered upon passing the Board examination and meeting the experience requirements.

90-334. RENEWAL OF CERTIFICATES OF REGISTRATION. (a) All certificates of registration shall be effective upon date of issuance by the Board, and shall expire on the second June 30 thereafter.

(b) All certificates of registration issued hereunder shall be renewed at the times and in the manner provided by this section. At least 45 days prior to expiration of each certificate of registration, the Board shall mail a notice for certificate renewal to the person certified for the current certification period. At least 10 days before the current certificate expires, the applicant must return the notice properly completed, together with a renewal fee established by the Board, upon receipt of which the Board shall issue to the person to be registered the renewed certificate of registration for the period stated on the said certificate.

(c) Any person certified who allows his certificate to lapse for failure to apply for renewal within 45 days after notice shall be subject to a late renewal fee as established herein. Failure to apply for renewal of a certificate of registration within one year after the certificate's expiration date will require that a certificate of registration be reissued only upon application as for an original certificate.

90-335. DISCIPLINARY PROCEDURES. The Board may, in accordance with the provisions of Chapter 150A of the General Statutes, refuse to grant or to renew, may suspend, or may revoke the certificate of any person certified under this Article on the following grounds:

(1) conviction of a misdemeanor under this Article; or

(2) conviction of a felony under the laws of the United States or of any state of the United States; or

(3) gross unprofessional conduct, dishonest practice or incompetence in the practice of counseling; or

(4) procuring or attempting to procure a certificate of registration by fraud, deceit, or misrepresentation; or

(5) any fraudulent or dishonest conduct in counseling; or

(6) inability of the person to perform the functions for which a certificate of registration has been issued due to impairment of mental or physical faculties; or

(7) violations of any of the provisions of this Article or rules of the Board.

90-336. VIOLATION A MISDEMEANOR. Any person violating any provision of this Article is guilty of a misdemeanor and, upon conviction thereof, may be punishable by fine, by imprisonment, or by both fine and imprisonment.

90-337. INJUNCTION. As an additional remedy, the Board may proceed in a superior court to enjoin and restrain any person from violating the prohibitions of this Article. The Board shall not be required to post bond in connection with such proceeding.

SECTION 2. Chapter 8 of the General Statutes is amended by adding the following new section:

8-53.7. COUNSELOR PRIVILEGE. No person, duly registered pursuant to Chapter 90, Article 22 of the General Statutes, shall be required to disclose any information which he or she may have acquired in rendering professional counseling services, and which information was necessary to enable him or her to render professional counseling services: Provided, that the presiding judge of a superior or district court may compel such disclosure, if in the court's opinion the same is necessary to a proper administration of justice and such disclosure is not prohibited by other statute or regulation.

SECTION 3. Nothing herein contained shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this act.

SECTION 4. For the purposes of the appointment of the initial Board and of administrative preparation for the implementation of this Article, this act shall become effective July 1, 1983. For all other purposes, this act shall become effective January 1, 1984.

LICENSURE IN THE HELPING PROFESSIONS

(adopted by the APGA Board of Directors, July, 1974,
and the APGA Senate, March, 1975)

Position Statement

The Association, by action of its Board of Directors and the Senate, adopts a position in favor of vigorous, responsible action to establish provisions for the licensure of professional counselors in the various states.

The underlying purpose of this position is to assume a leadership role in encouraging regulation of the profession for the benefit of the public as well as those who identify themselves as professional counselors. The position includes an assumption that each state's members will take under advisement the Standards for the Preparation of Counselors and Other Personnel Services Specialists, the Code of Ethics, state legislation licensing counseling related professions, and knowledge of their state's particular needs to develop suitable proposals for legislative consideration.

The Need for a Position

The need for a position statement by the American Personnel and Guidance Association on the topic of licensing emerged in part from the predicament of its members in various states. Licensing laws, unlike certification, provide for the regulation of occupational titles and the practice of an occupation. Increasingly reports are received of persons engaged in counseling services to the public who are required to discontinue their services due to psychological licensing laws. As new state laws are implemented, there is evidence to suggest that even university counselor educators may be required to meet psychological licensing criteria (Sweeney & Sturdevant, 1974). While the laws do not directly affact the services of the school or agency counselors who are certified by state statutes, they do have significant implications for their relative position in the counseling related professions including who may supervise them in joint ventures.

Protecting the Public

The purpose of state legislation to regulate the title and practice of any occupation is to protect the public. This purpose must be uppermost in the minds of all members of the profession. The preponderance of APGA members are affiliated with schools, colleges, and agencies which are regulated by local, state, or federal government. There is now evidence to suggest that psychologists' licensure statutes will have implications for them as well. Although most of these members do not engage in regular private practice, even school counselors, for example, have proctored after-school tests for a fee and, in some cases, provided guidance related services in the community. Increasingly among those members

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The original paper leading to this adopted position was prepared by Dr. Thomas J. Sweeney.

with training and appropriate experience at the specialist or doctoral levels, private practice or positions within community agencies are sought. At the present time, there is a likelihood that most of these persons will be prevented from practicing, denied employment, or supervised by a licensed psychologist in those states with restrictive licensing laws for psychologists.

There are charges of alleged abuses mounting each year not only against persons of little or no training but also against those whose training did not include supervised experience in private or clinical therapeutic practice. If counseling is to become a full-fledged profession, its members must assume a responsible role in regulating its practice. Psychological associations have made great strides in this direction in recent years. If no comparable effort is made by the APGA members in the very near future, counseling in private practice as well as in community and government related agencies may be defined and regulated exclusively by state psychological licensing boards with appeal to the courts as a last recourse.

State psychological associations have been spurred in their efforts by the national health insurance program proposals and success with freedom of choice legislation. The latter legislation already affords psychologists in some states equal status with psychiatrists in receiving insurance payments for services rendered to insured clients. Clearly, psychological associations have strong motivating forces to continue their legislative efforts. On the other hand, their efforts toward establishing acceptable standards for psychologists began long before the health care legislation and we can benefit much from their experience.

Psychologists' Efforts

The parallel between the purpose and activity of psychology and counseling in the areas of certification and licensure may be both instructive and encouraging. For example, in 1947 psychologists first established the American Board of Examiners in Professional Psychology (ABEPP) with the help of the American Psychological Association. This first effort was in no samll part a response to counteract the restrictions upon the practice of clinical psychology by organized medicine (Little, 1973). The diploma earned by individuals served as a first step in their professionalization as a group. It did not protect the public, however. Legislation still was needed to prevent charlatans or inadequately trained individuals from calling themselves psychologists and offering their services to the public for a fee.

Initially, certification was the statutory legislation pursued by psychologists. Only persons who met the requirements for certification could call themselves a "certified clinical psychologist." The 1947 law passed in Virginia, for example, provided that no one could legally claim this title without following the established certification procedures. Persons did call themselves psychologists or clinical psychologists and did practice psychology without being certified. This was possible because certification did not regulate the practice of psychology. To correct this, in 1966 the Virginia Psychological Association successfully sponsored legislation restricting the practice of psychology to those who are licensed. A similar trend is under way throughout the states.

While several states mistakenly established certification or licensing statutes with only a restriction on the title used, psychological associations are rectifying this situation, particularly now that national health insurance and freedom of choice legislation are pending. Health insurance companies do not wish to be liable for or to pay for services rendered by incompetent or irresponsible practitioners. They expect the professions to regulate and restrict their membership to qualified individuals.

Forty-seven states (including the District of Columbia) are almost equally divided between those having licensing laws and those having certification laws for psychologists. Iowa, Missouri, South Dakota and Vermont have non-statutory programs administered by their state psychological associations. Twenty-two of the laws were passed in the last ten years. More recently, sixteen states have passed freedom of choice legislation. This represents a rather impressive record in light of the fact that several years of lobbying were necessary in order to accomplish this in some states. Before these acts, certain assumptions might have been made which would almost seem to preclude the possibility of success in the area of legislation. Because these assumptions also seem to be implicit in potential arguments against counselors being successful in the area of licensure, they are enumerated below with "counselor" and "counseling" placed in brackets to not the parallel relationship in the positions which might be heard:

1. Psychology (counseling) is composed of many, not a single, professional group. Experimental, clinical, school and industrial psychologists often work at odds with one another. To successfully define and lobby for legislation requires a united commitment and cooperation.

2. The designation "psychologist" (counselor) means quite different functions and qualifications to different people. Moreover, psychology (counseling) has no right to reserve psychological (helping/counseling) procedures and functions to one professional group.

3. Medical (psychological) groups will resist infringements upon what they consider to be their clientele by psychologists (counselors).

4. Legislators will be very reluctant to license new groups requiring privileged communication for their clients or to establish new boards by which to regulate them.

Any two or more of these hurdles would seem to be enough to discourage all but the most optimistic of persons. The fact is that psychological associations have been and are making important progress, both for their publics and their professional groups. Discussions with legislators also reveal that every group which seeks and secures licensure must cope with these same hurdles, including soil-testers, watchmakers, barbers, etc.

Potential Problems

The influence which psychological licensure is having on the services offered by counselors can be seem by a review of the APA Committee on Legislation's recommendation (American Psychologist, 1967) concerning the legislative definition of the practice of psychology:

> ...within the meaning of this act is defined as rendering to individuals, groups, organizations, or the public any psychological service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, and psychotherapy; of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion, and motivation; and of assessing public opinion.
>
> The application of said principles and methods includes, but is not restricted to: diagnoses, prevention, and amelioration of adjustment problems and emotional and mental disorders of individuals and groups; hypnosis; educational and vocational counseling; personnel selection and management; the evaluation and planning for effective work and learning situations; advertising and market research; and the resolution of interpersonal and social conflict. (pp. 1098-99)

In the absence of legislation to define the functions of counselors, virtually everything the counselor or personnel worker might do is covered by such definitions. In addition, the rules of state licensing boards, which are tantamount to law, indicate the requirements for training and experience necessary to take the state examinations in the area. This seems to be a reasonable expectation. Unfortunately, it takes on new meaning when courses, programs and degrees from colleges of education are not considered to be sufficiently psychological in nature to be counted toward licensure. With the essence of the APA Code of Ethics basically incorporated into the board rules, the ethical and legal practice of counseling comes under the jurisdication of the psychological licensing boards.

Other potential implications discussed by Sweeney and Sturdevant (1974) from experience in Ohio include: (1) the need to plan doctoral programs to satisfy licensing requirements; (2) the need to determine before employment whether a potential counselor educator can be licensed or at least meet board criteria for teaching courses of a psychological nature in practica or to doctoral students; and (3) the need to apprise academic advisors, deans of students and similar personnel that they may perform their functions so long as they do not hold themselves out to be a psychologist or use psychological procedures that the State Board of Psychology "judges by uniform rule ... to be a serious hazard to mental health and to require professional expertise in psychology."

The most recent APA position (APA Monitor, p. 5) with implications for counseling involves "Standards for the Providers of Psychological Services"

(APA Monitor, pp. 12-13). The standard would seem to apply to virtually every group or facility offering "psychological services" which is not regulated by another legislatively recognized profession. One possible outcome is that APGA members not certified, licensed, or otherwise accepted members of psychological groups, eventually may be supervised by licensed psychologists. There is already evidence that this is happening in some settings. Another provision of the latest APA standards is that no organization be exempt from their standards, i.e., licensed psychologists should supervise unlicensed persons in schools, colleges, community or government agencies without exception. In conjunction with a licensure statute for psychologists, this will mean that a licensed school psychologist will be required to supervise a school counselor who is employed to administer college entrance examinations after school hours.

While school counselors are not limited in their normal schoolday functions, their comparative status in the eyes of the public can be influenced. In Ohio, for example, the school psychologist is both certified under the same code as counselors and licensed by the State Board. The clients of the school psychologist are extended privileged communication--a protection not available through the school counselor in Ohio. Underscoring the significance of these differences further, an independent lay Commission of Public School Personnel Policy in Ohio (1973) made clear its bias in favor of the school psychologist by urging school districts to ask, "Is the preparation for guidance counseling adequate for the difficult counseling situations, or do these problems require the type of training that a school psychologist should have?" (p. 23). They further recommend that school districts "reexamine the need for guidance counselors..." (p. 38). This combination of factors suggests that licensing may well have long term significance for all persons in counseling and personnel work including those already covered by state certification statutes. Licensure, however, is typically for persons with advanced training and supervised experiences equivalent to specialist and/or doctoral degrees.

A Step Forward

With the events already noted, there are at least three major directions toward which to move: (1) to allow psychological associations the prerogative of legislatively defining and limiting the practice of counseling and personnel work; (2) to work toward gaining greater acceptance of counselor training and experience for psychological licensure; and (3) to provide leadership and encouragement for complementary licensure efforts on the part of APGA members in the various states to protect the public and to gain equal status within the counseling related professions.

The first alternative may be acceptable to individuals who basically wish to function and be recognized as psychologists. This is a viable alternative for those persons who can and very likely should meet the licensing requirements of psychologists. For a majority of the members, however, there is greater probability that even the doctoral level persons will not identify themselves as psychologists (Scott, 1971). In addition, as noted earlier, the consequences of counselor associations not participating in comparable legislative efforts could have serious ramifications in a variety of ways.

The second alternative is being purused by some individuals and state groups. Inherent advantages include benefitting from the relationship psychologists already have with the legislatures, insurance companies, and medical profession. This approach also would seem to encourage greater dialogue between the groups seeking licensure and the psychological associations and boards. Hopefully, this would promote closer working relationships on other matters as well. On the other hand, there is some evidence to suggest that psychologists do not wish to liberalize their laws (Asher, 1973) (Pennsylvania implements, 1973). In addition, persons admitted under less restrictive requirements may be perceived as less than fully qualified. Many persons are pursuing this as a means for licensure and it certainly will continue to be one avenue deserving of consideration. This alternative, however, does not allow for the full participation of professional counseling personnel in regulating the practice of counseling as a profession.

The third alternative requires a commitment fully within the capabilities of the Association but not without consequences in the application of resources and effort. For example, some Masters level counselors will misunderstand licensure initially and be threatened by the thought of new, higher standards. This will require educating the members to the fact that certification statutes are quite satisfactory for purposes of school counseling. Some counselors will be apathetic toward licensure because they will not perceive the implications it holds for the profession. They, too, will require further information on how supervisory positions and related functions will be affected.

Because many state groups have begun dialogue and experienced success with privileged communication statutes (Maine counselors, 1973), legislators are not entirely unfamiliar with counselor associations. On the other hand, reluctant members, time and expenses required, and the problem of convincing the legislators that a new board or group to be licensed is necessary, can be more than some groups may wish to attempt. For example, each state group will be required to document the need for licensure, how many and who it will affect, how it will be beneficial, and some consequences of not licensing. In all probability, a variety of organizations and/or groups will be concerned with licensure besides APGA members, e.g., marriage and family, alcohol and drug. Some individuals will desire standards which differentiate the clinically trained mental health provider from individuals prepared primarily for career counseling and guidance. The cooperation and communication among these groups will be critical if their efforts are to be succesful. There is evidence that it can be done. To abstain from these activities now may result in far greater obstacles in the future. For this reason, the Association is committed to helping facilitate this process whenever it can without interfering in the affairs of state groups.

Rationale for Legislative Action

There are many reasons for greater involvement by APGA in the development of licensure for professional counselors. In the interest of condensing these into the most relevant, potentially useful assumptions, the following are offered:

1. In keeping with the APGA Code of ethics, we have a responsibility to the individuals we serve, society at large, and ourselves to insure that persons who hold themselves out to the public as professional counselors are qualified to hold this title and provide their services for a fee.

This assumption is not intended to restrict or otherwise infringe upon other legislatively recognized groups, *i.e.*, attorneys, physicians, ministers, social workers, or certificated teachers, counselors or school psychologists. There is a need, however, to recognize and regulate an increasing number of individuals who hold themselves out to the public as marriage and family counselors, group counselors, *ad infinitum*. The cases of alleged abuses cast aspersion on the majority who quite ably follow their professional ethics.

> 2. *The membership has an obligation to continually strive toward more effective, viable means of implementing the profession's recognized standards of preparation and practice.*

Legislation is one of the most significant means of accomplishing this obligation. The Standards for the Preparation of Counselors and Other Personnel Services Specialists and the Code of Ethics suggest that there is a body of knowledge, a variety of methods and techniques, and an identifiable combination of functions which constitute the tools and role of the professional counselor. At the present time, these important documents are guidelines with few visible indications that they are used extensively. Through new, vigorous efforts we can have them recognized and used in very practical, meaningful ways as legislation is enacted. In addition, the current trend toward competency based training and certification of counselors could result in a significant contribution to licensure procedures of all counseling related professions.

> 3. *The Association has a responsibility to the members of the profession to promote cooperative relationships among related professions as equal partners in service to the public.*

A serious creditability gap is developing among some counselors in relationship to the objectives of the Association compared to those of the psychological associations. Psychological associations, as noted earlier, have been aggressive and successful in their legislative efforts. As a consequence, some counselors are beginning to see themselves as second class members of the counseling related professions. The official position of the American Psychological Association is to work cooperatively with other recognized professions. It cannot be stated categorically, therefore, that psychological associations wish to exclude counselors from practice. There is evidence, however, that counselors are being excluded from practice in some states as a result of psychologists' efforts. In addition, the newly adopted APA Standards for Providers of Psychological Services is portent of even greater implications in the future.

A significant distinction in all legislative efforts is the key phrase "recognized professions." If a profession is registered, certified, or licensed in its own right, it is exempt from the restrictions of another profession's licensing requirements. In the absence of counselor licensure, however, counselors in private practice or with agencies which use licensure as a requisite for employment must meet psychological standards where they apply.

A Call to Action: Commission On Licensure

Objectives

To implement this position, the APGA Board and the President consider the establishment of a national Commission on Licensure necessary. The Commission will formulate policy for consideration by the Board and Senate and initiate activities necessary to encourage the implementation of the policy of the Association. Among the proposed immediate and long range objectives of the Commission are the following:

1. To formulate and disseminate model legislation on licensure for counselors;
2. To establish procedures for state and regional leadership workshops on licensure;
3. To help initiate and maintain liaison and dialogue with associations in the counseling related professions, e.g., psychology, psychiatry, social work, marriage and family;
4. To testify on federal legislation having implications for professionals trained in counselor education programs;
5. To identify for the membership, non-legislative activities having implications for the counseling profession, e.g., importance of liaison with related state professional groups in psychology and social work as well as with mental health insurance companies when appropriate;
6. To consider other alternatives or avenues to earning recognition for counseling as a profession, e.g., academy of diplomates and/or national registry of persons qualified to offer specialized counseling services to the public for a fee;
7. To encourage cooperative efforts between the various divisions, state branches, affiliates and sub-groups of APGA in the area of licensure;
8. To encourage research and innovations on traditional methods of licensure including possible use of more performance based criteria and unified administrative boards for all counseling related professions;
9. To identify test cases in those instances where evidence of descrimination against qualified members takes place by boards of related professions.

Organization

The Commission of ten members will include seven liaison members, appointed by the president in consultation with the Board. These individuals will be drawn from a list of qualified members, representing divisions, regional branch associations or affiliates submitted by these bodies. In addition, three individuals, comprising the executive committee will be appointed by the president and board from the APGA membership at large.

The executive committee and liaison members will serve three year terms. Staggered, rotating appointments for the executive committee will be established the first year. A chairperson will be chosen from the executive committee by the total commission. This chairperson will serve a three year term, with a chairperson designate to be elected during the chairperson's second year in office.

The Commission, through the executive committee, will report on its activities to the Board and Senate each year prior to the National Convention. The total Commission will convene for at least one session at the National Convention.

Conclusion

The steps before us concern the protection of the public and, ultimately, the status of the profession. We must act as a profession to legislatively assume our responsibility. Each state will require leadership from among its APGA membership to establish satisfactory solutions to its unique circumstances.

Because of events within society, the members of the Association are asked to take action now to implement this Association position.

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NOTE: It is called to the reader's attention that the foregoing document is nearly ten years old. There are, therefore, a number of contemporary circumstances cited that are now "ancient history." The position statement is included in the Action Packet for three reasons: (1) its value as a historical statement of the counseling profession's initial rationale for active entry into the pursuit of counselor licensure; (2) its arguments are still sound and cogent after a decade; (3) it is not generally available to the membership elsewhere. We believe that this statement should be read, discussed, and understood by all professional leaders involved in the licensure effort. DKB.